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SENATE JOURNAL

OF THE
Fiftieth Legislature

OF THE
STATE OF MONTANA

VOLUME I

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Held in Helena, the Seat of Government
Commencing in Regular Session January 5, 1987
and Ending April 23, 1987

BILL NORMAN
President of the Senate

BONNIE R. WALLEM
Secretary of the Senate

PUBLISHED BY
Montana Legislative Council

SENATE JOURNAL

OF THE

Fiftieth Legislature

OF THE

State of Montana

BILL NORMAN
President of the Senate

BONNIE R. WALLEM
Secretary of the Senate

Dee Ball
Journal Clerk

Dawn Leighton
Asst. Journal Clerk

Published by
Montana Legislative Council

Room 138 State Capitol
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Journal Technician
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Acting Executive Director

SENATE JOURNAL

OF THE

Fifteenth Legislature

OF THE

State of Montana

BILL NORMAN
President of the Senate

RONNIE R. WALLEN
Secretary of the Senate

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Asst. Journal Clerk

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OFFICERS AND MEMBERS OF THE MONTANA SENATE 1987

50 Members

25 Democrats
25 Republicans

44 Men
6 Women

OFFICERS

President . . . . . Bill Norman
President Pro Tempore . . . . . George McCallum
Democratic Floor Leader . . . . . Fred Van Valkenburg
Democratic Whip . . . . . Judy H. Jacobson
Republican Floor Leader . . . . . Gary C. Aklestad
Republican Whip . . . . . William E. Farrell
Secretary of the Senate . . . . . Bonnie R. Wallem

MEMBERS

NAME	RESIDENCE OR MAILING ADDRESS	DIST NO.	COUNTY OF RESIDENCE	PARTY
Abrams, Hubert J.	South Route, Wibaux 59353	12	Wibaux	Democrat
Aklestad, Gary C.	P.O. Box 32, Galata 59444	6	Toole	Republican
* Anderson, John H., Jr.	Box 86, Alder 59710	37	Madison	Republican
Beck, Tom	651 Greenhouse Road, Deer Lodge 59722	24	Powell	Republican
* Bengtson, Esther G.	8124 Clark Road, Shepherd 59079	49	Yellowstone	Democrat
Bishop, Al	2713 Downer Lane, Billings 59102	46	Yellowstone	Republican
Blaylock, Chet	502 3rd Ave., Laurel 59044	43	Yellowstone	Democrat
Boylan, Paul F.	3747 So. 19th Rd., Bozeman 59715	39	Gallatin	Democrat
* Brown, Bob	333 Cougar Trail, Whitefish 59937	2	Flathead	Republican
* Crippen, Bruce D.	2110 Overland Ave. #106, Billings 59102	45	Yellowstone	Republican
* Eck, Dorothy	10 W. Garfield, Bozeman 59715	40	Gallatin	Democrat
* Farrell, William E.	12255 Flora Dr., Missoula 59801	31	Missoula	Republican
Gage, Delwyn	Box 787, Cut Bank 59427	5	Glacier	Republican
Galt, Jack E.	Martinsdale 59053	16	Meagher	Republican
* Haffey, Jack	709 W. 4th St., Anaconda 59711	33	Deer Lodge	Democrat
* Hager, Tom	150 Norris Court, Billings 59105	48	Yellowstone	Republican
Halligan, Mike	P.O. Box 9121, Missoula 59807	29	Missoula	Democrat
* Hammond, H.W. "Swede"	Box 1366, Malta 59538	9	Phillips	Republican
* Harding, Ethel M.	Box 251, Polson 59860	25	Lake	Republican
Himsl, Matt	305 4th Ave. E., Kalispell 59901	3	Flathead	Republican
* Hirsch, Les J.	Broadus Stage, Miles City 59301	13	Custer	Democrat
Hofman, Sam	6210 Camp Creek Road, Manhattan 59741	38	Gallatin	Republican
* Jacobson, Judy H.	330 Blacktail Canyon Rd., Butte 59701	36	Silver Bow	Democrat
Jergeson, Greg	Rt. 71 Box 8, Chinook 59523	8	Blaine	Democrat
* Keating, Thomas F.	Box 20522, Billings 59104	44	Yellowstone	Republican
Kolstad, Allen C.	Box 648, Chester 59522	7	Liberty	Republican
* Lybeck, Ray	500 E. Reserve Dr., Kalispell 59901	4	Flathead	Democrat
Lynch, John "J.D."	532 W. Mercury, Butte 59701	34	Silver Bow	Democrat
Manning, Richard E.	810 7th Ave. No., Great Falls 59401	18	Cascade	Democrat
* Mazurek, Joseph P.	516 Hayes, Helena 59601	23	Lewis & Clark	Democrat
* McCallum, George	Box 262, Plains 59859	26	Sanders	Republican
McLane, Harry H. "Doc"	Box 312, Laurel 59044	42	Yellowstone	Republican
Meyer, Darryl	5306 4th Ave. So., Great Falls 59405	17	Cascade	Republican
* Neuman, Ted	639 US Hwy. 89, Vaughn 59487	21	Cascade	Democrat
Norman, Bill	440 Connell Ave., Missoula 59801	28	Missoula	Democrat
* Pinsoneault, R.J. "Dick"	Box 250, St. Ignatius 59865	27	Lake	Democrat
Rasmussen, Tom	550 No. Montana, Helena 59601	22	Lewis & Clark	Republican
Regan, Pat	204 Mountain View, Billings 59101	47	Yellowstone	Democrat
Severson, Elmer D.	480 Middle Burnt Fork Road, Stevensville 59870	32	Ravalli	Republican
* Smith, Ed B.	Box 11, Dagmar 59219	10	Sheridan	Republican
* Stimatz, Lawrence G. (Larry)	1615 C Street, Butte 59701	35	Silver Bow	Democrat
Story, Pete	Box 355, Emigrant 59027	41	Park	Republican
* Thayer, Gene	2612 4th Ave. So., Great Falls 59405	19	Cascade	Republican
* Tveit, Larry J.	Rt. 1 Box 1475, Fairview 59221	11	Richland	Republican
* Van Valkenburg, Fred	219 University, Missoula 59801	30	Missoula	Democrat
Vaughn, Eleanor L.	P.O. Box 45, Libby 59923	1	Lincoln	Democrat
Walker, Mike	965 Ave. 'E' N.W., Great Falls 59404	20	Cascade	Democrat
Weeding, Cecil	P.O. Box 78, Jordan 59337	14	Garfield	Democrat
* Williams, Bob	Box 338, Hobson 59452	15	Judith Basin	Democrat
* Yellowtail, William P., Jr.	Box 308, Wyola 59089	50	Big Horn	Democrat

*Term Expires Jan., 1989 All Other Terms Expire Jan., 1991

FIRST LEGISLATIVE DAY

Helena, Montana
January 5, 1987

Senate Chambers
State Capitol

At twelve o'clock noon, the Senate of the Fiftieth Legislature of the State of Montana was called to order with Senator Paul Boylan presiding.

There being no objections, Senator Boylan appointed Pastor Randall Olson of Helena, Montana, as temporary Chaplain of the Senate, and Ralph Erving of Helena, Montana, as temporary Sergeant-at-Arms of the Senate.

Posting of the colors by Master-Sergeant George Gipe and members of the Montana Air National Guard, and the Pledge of Allegiance to the Flag followed.

The invocation was given by Pastor Olson.

Senator Boylan appointed Bonnie R. Wallem of Helena, Montana, as temporary Secretary of the Senate.

At the direction of Senator Boylan, the temporary Secretary called the roll of newly-elected Senators by district. The following Senators responded thereto:

District No. 1, Eleanor L. Vaughn; District No. 3, Matt Himsl; District No. 5, Delwyn Gage; District No. 6, Gary C. Aklestad; District No. 7, Allen C. Kolstad; District No. 8, Greg Jergeson; District No. 12, Hubert J. Abrams; District No. 14, Cecil Weeding; District No. 16, Jack E. Galt; District No. 17, Darryl Meyer; District No. 18, Richard E. Manning; District No. 20, Mike Walker; District No. 22, Tom Rasmussen; District No. 24, Tom Beck; District No. 28, Bill Norman; District No. 29, Mike Halligan; District No. 32, Elmer D. Severson; District No. 34, J.D. Lynch; District No. 38, Sam Hofman; District No. 39, Paul D. Boylan; District No. 41, Peter R. Story; District No. 42, Harry H. "Doc" McLane; District No. 43, Chet Blaylock; District No. 46, Al Bishop; District No. 47, Pat Regan.

The Chief Justice of the Supreme Court, the Honorable Jean Turnage, was admitted to the Senate Chamber and administered the following constitutional oath of office to the Senators-elect who subscribed to same:

"I do solemnly swear that I will support, protect, and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office as Senator with fidelity. SO HELP ME GOD."

At the direction of Senator Boylan, the temporary Secretary called the complete roll of the Senate. The following Senators responded thereto:

Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Norman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.

All members were present. Senator Boylan announced that the Senate of the Fiftieth Legislature was duly organized and ready for business.

MOTIONS

Senator Van Valkenburg moved that the rules of the Senate of the Forty-ninth Legislature and the joint rules of the Senate and House of Representatives of the Forty-eighth Legislature be the temporary rules of the Fiftieth Legislature. Motion carried unanimously.

Senator Van Valkenburg moved that Senator Norman of District 28 be nominated for the office of the President of the Senate of the Fiftieth Legislature and moved that his election carry with it the names of Senator George McCallum of District 26 for the office of Senate President Pro Tempore, Senator Fred Van Valkenburg of District 30 for the office of Democratic Floor Leader, Senator Gary Aklestad of District 6 for the office of Republican Floor Leader, Senator Judy Jacobson of District 36 as Democratic Whip, Senator William Farrell of District 31 as Republican Whip, Bonnie R. Wallem for the office of Secretary of the Senate, Ralph Erving as Senate Sergeant-at-Arms, Pastor Randall Olson as Chaplain of the Senate and further, that the election of Senator Norman will also carry with it the appointments of Senators Joe Mazurek, Jack Galt, J.D. Lynch, Allen Kolstad, Pat Regan, and Peter Story to the Committee on Committees. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Boylan announced the election of Senator Norman as President of the Senate of the Fiftieth Legislature, said nomination having received a unanimous vote, which election carried with it the election of the other nominees named in the above motion of Senator Van Valkenburg.

Senator Norman assumed the chair of the President of the Senate and made opening remarks.

Senator Van Valkenburg moved that the President appoint a select committee of three to notify his Excellency, the Governor, that the Senate was organized and ready for the transaction of business. Motion carried unanimously.

The President appointed the following committee to visit the Governor: Senator Kolstad, Senator Smith, and Senator Stimatz.

Senator Van Valkenburg moved that the President be authorized to instruct the Secretary of the Senate to notify the Chief Justice and associate members of the Supreme Court that the Senate was organized and ready for the transaction of business and to invite the Chief Justice and Justices of the Supreme Court to attend a joint session of the Senate and the House of Representatives on January 15, 1987, at 3:00 p.m. Motion carried unanimously.

The President so instructed the Secretary.

Senator Van Valkenburg moved that the President appoint a select committee of three to notify the House of Representatives that the Senate was organized and ready for business and that the Senate wishes them success in their deliberations. Motion carried unanimously.

The President appointed the following committee to visit the House of Representatives: Senator Lybeck, Senator Hirsch, and Senator Himsl.

President Norman excused the committee members to perform their assigned duties.

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair to await the reports of the select committees. Motion carried unanimously.

Senate recessed at 12:26 p.m.

Senate reconvened at 12:32 p.m.

MESSAGES FROM THE OTHER HOUSE

A committee from the House, Representatives Lory, Stratford, and D. Brown, advised the Senate that the House was organized and ready for business.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

The committee appointed to notify the House of Representatives that the Senate was organized and ready for business made its report. The message was acknowledged, and the committee was dismissed.

The committee appointed to notify the Governor that the Senate was organized and ready for business reported that the Governor extended his best wishes. The message was acknowledged and the committee was dismissed.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

COMMITTEES (Mazurek/Galt, Co-Chairmen) 1/5/87

Respectfully report and recommend the following committee appointments, times, dates, and room numbers:

AGRICULTURE, LIVESTOCK, AND IRRIGATION - M W F - 1:00-3:00 Room 413/415

Paul Boylan, Chairman (D)
Jack Galt, Vice-Chairman (R)
Esther G. Bengtson (D)
Tom Beck (R)
Ray Lybeck (D)
Allen C. Kolstad (R)
Greg Jergeson (D)
Gene Thayer (R)
Hubert J. Abrams (D)
Peter R. Story (R)

BILLS AND JOURNALS - On Call

Jack Galt, Chairman (R)
Richard Manning, Vice-Chairman (D)
John Anderson (R)
Mike Halligan (D)
Harry H. "Doc" McLane (R)
Pat Regan (D)

BUSINESS AND INDUSTRY - M T W Th F - 10:00 - 12:00 - Room 410

Allen C. Kolstad, Chairman (R)
Ted Neuman, Vice-Chairman (D)
Delwyn Gage (R)
Paul Boylan (D)
Gene Thayer (R)
Bob Williams (D)
Harry H. "Doc" McLane (R)
Cecil Weeding (D)
Darryl Meyer (R)
Mike Walker (D)

COMMITTEE ON COMMITTEES - On Call

Joe Mazurek, Co-Chairman (D)
Jack E. Galt, Co-Chairman (R)
John "J.D." Lynch (D)
Allen C. Kolstad (R)
Pat Regan (D)
Peter Story (R)

EDUCATION AND CULTURAL RESOURCES - M W F - 1:00 - 3:00 - Room 402

Robert J. "Bob" Brown, Chairman (R)
Chet Blaylock, Vice-Chairman (D)
William Farrell (R)
R.J. "Dick" Pinsoneault (D)
George McCallum (R)
Ted Neuman (D)
Ed Smith (R)
Joe Mazurek (D)
H. "Swede" Hammond (R)
Pat Regan (D)

FINANCE AND CLAIMS - M T W Th F - 8:00 - 11:30 - Room 108

Pat Regan, Chairman (D)
Matt Himsl, Vice-Chairman (R)
Judy Jacobson (D)
Ethel Harding (R)
Jack Haffey (D)
Larry Tveit (R)
Esther Bengtson (D)
Delwyn Gage (R)
Paul Boylan (D)
H. "Swede" Hammond (R)
Richard Manning (D)
Ed Smith (R)
Lawrence Stimatz (D)
Thomas Keating (R)
Greg Jergeson (D)
Peter Story (R)

FISH AND GAME - T Th S - 1:00 - 3:00 - Room 402

Ed Smith, Chairman (R)
William Yellowtail, Vice-Chairman (D)
John Anderson (R)
Judy Jacobson (D)
Elmer Severson (R)
Greg Jergeson (D)
Al Bishop (R)
Esther Bengtson (D)

HIGHWAYS AND TRANSPORTATION - T Th S - 1:00 - 3:00 - Room 410

Larry Tveit, Chairman (R)
Lawrence Stimatz, Vice-Chairman (D)
William Farrell (R)
Cecil Weeding (D)
Tom Hager (R)
Hubert J. Abrams (D)
Darryl Meyer (R)
Ray Lybeck (D)
Sam Hofman (R)
Bob Williams (D)

JUDICIARY - M T W Th F - 10:00 - 12:00 - Room 325

Joe Mazurek, Chairman (D)
Bruce Crippen, Vice-Chairman (R)
Chet Blaylock (D)
Robert J. "Bob" Brown (R)
R.J. "Dick" Pinsoneault (D)
Jack Galt (R)
William Yellowtail (D)
Al Bishop (R)
Mike Halligan (D)
Tom Beck (R)

LABOR AND EMPLOYMENT RELATIONS - T Th S - 1:00 - 3:00 - Room 413/415

John "J.D." Lynch, Chairman (D)
Gene Thayer, Vice-Chairman (R)
Richard Manning (D)
Thomas Keating (R)
Chet Blaylock (D)
Delwyn Gage (R)
Jack Haffey (D)
Jack Galt (R)

LEGISLATIVE ADMINISTRATION - On Call

Chet Blaylock, Chairman (D)
Allen C. Kolstad, Vice-Chairman (R)
Richard Manning (D)
George McCallum (R)
John "J.D." Lynch (D)
Bruce Crippen (R)

LOCAL GOVERNMENT - T Th S - 1:00 - 3:00 - Room 405

Bruce Crippen, Chairman (R)

R.J. "Dick" Pinsoneault, Vice-Chairman (D)
Ethel Harding (R)
Les Hirsch (D)
Tom Beck (R)
Dorothy Eck (D)
Peter Story (R)
Eleanor Vaughn (D)
H. "Swede" Hammond (R)
Mike Walker (D)

LONG-RANGE PLANNING

Fred Van Valkenburg, Co-Chairman (D)
Gary Aklestad, Co-Chairman (R)
Mike Walker (D)
Harry H. "Doc" McLane (R)

NATURAL RESOURCES - M W F - 1:00 - 3:00 - Room 405

Tom Keating, Chairman (R)
Cecil Weeding, Vice-Chairman (D)
John Anderson (R)
Mike Halligan (D)
Delwyn Gage (R)
Lawrence Stimatz (D)
Larry Tveit (R)
John "J.D." Lynch (D)
Sam Hofman (R)
William Yellowtail (D)
Elmer Severson (R)
Mike Walker (D)

PUBLIC HEALTH, WELFARE, AND SAFETY - M W F - 1:00 - 3:00
Room 410

Dorothy Eck, Chairman (D)
Tom Hager, Vice-Chairman (R)
Bill Norman (D)
Matt Himsl (R)
Bob Williams (D)
Darryl Meyer (R)
Eleanor Vaughn (D)
Tom Rasmussen (R)
Judy Jacobson (D)
Harry H. "Doc" McLane (R)

RULES - On Call

Fred Van Valkenburg, Chairman (D)
George McCallum, Vice-Chairman (R)
Bill Norman (D)
Gary Aklestad (R)
Judy Jacobson (D)
William Farrell (R)
Chet Blaylock (D)
Matt Himsl (R)

STATE ADMINISTRATION - M T W Th F - 10:00 - 12:00 - Room 331

Jack Haffey, Chairman (D)
William Farrell, Vice-Chairman (R)
Les Hirsch (D)

John Anderson (R)
John "J.D." Lynch (D)
Ethel Harding (R)
Eleanor Vaughn (D)
Sam Hofman (R)
Hubert J. Abrams (D)
Tom Rasmussen (R)

TAXATION - M T W Th F - 8:00 - 10:00 - Room 413/415

George McCallum, Chairman (R)
Mike Halligan, Vice-Chairman (D)
Robert J. "Bob" Brown (R)
Dorothy Eck (D)
Tom Hager (R)
Joe Mazurek (D)
Elmer Severson (R)
Les Hirsch (D)
Bruce Crippen (R)
Ted Neuman (D)
Al Bishop (R)
Ray Lybeck (D)

Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 1/5/87

Recommend that the following attaches be hired by the Senate for the 50th Legislature:

Sidney Armstrong ..... Assistant Secretary of Senate
Elaine Graveley ..... Secretary to the Secretary of Senate
Laura Stafford ..... Secretary to Asst. Secretary of Senate
Margaret Regan ..... Assistant Sergeant-at-Arms
Sanna Kiesling ..... Assistant Sergeant-at-Arms
Earl Moritz ..... Assistant Sergeant-at-Arms
Bobbie Murphy ..... Secretary to the President of the Senate
Barbara Simic ..... Secretary to Repub. Leader
Janean Meacham ..... Secretary to the Dem. Whip
Elly Mills ..... Secretary to the Repub. Whip
Betty Jakovac ..... Chief Stenographer
Elaine Rung ..... Asst. Chief Stenographer
Dee Ball ..... Journal Clerk
Joan Duncan ..... Bills Clerk
Barbara Griffith ..... Assistant Bills Clerk
Harriet Celar ..... Bills Coordinator
Nancy Burnham ..... Assistant Amendments Coordinator
Kathleen Ely ..... Status Input Technician
Cynthia Jeske ..... Bills Distributor
Roger Benson ..... Asst. Bills Dist.
Howard Heffelfinger ..... Reading Clerk
Jewell Lee ..... Posting Clerk
Jill Rohyans ..... Committee Secretary
Sylvia Kinsey ..... Committee Secretary
Mary Florence Root ..... Committee Secretary
Arlene Carlson ..... Committee Secretary
Mary Hickey ..... Committee Secretary
Julie Rademacher ..... Committee Secretary
Rosemary Jacoby ..... Committee Secretary
Nadine McCurdy ..... Committee Secretary
Ellen Nehring ..... Committee Secretary

Carol Duval.....Committee Secretary
Agnes Hamilton.....Committee Secretary
Louise Fulbright.....Committee Secretary
Bev Braut.....Committee Secretary
Louise Sullivan.....Committee Secretary
Carlton Adkison.....Page
Rusty Kirkham.....Page
Anna Williams.....Page
Scott Sager.....Page
Heidi Gollehon.....Page
Angela Fultz.....Page
Michael Hogan.....Page

Report adopted.

MOTIONS

Senator Van Valkenburg moved that the accredited members of the press, radio, and television be granted the privilege of the Senate floor subject to the rules. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by Anderson (By Request of the Coal Tax Oversight Subcommittee). Referred to Committee on Taxation.
SB 2, introduced by Hager (By Request of the Joint Interim Subcommittee on Lien Laws). Referred to Committee on Judiciary.
SB 3, introduced by Keating. Referred to Committee on Taxation.
SB 4, introduced by Thayer (By Request of the Joint Interim Subcommittee on Lien Laws). Referred to Committee on Agriculture, Livestock, and Irrigation.
SB 5, introduced by Haffey. Referred to Committee on Business and Industry.
SB 6, introduced by Lybeck. Referred to Committee on Public Health, Welfare, and Safety.
SB 8, introduced by Farrell. Referred to Committee on Labor and Employment Relations.
SB 9, introduced by Farrell. Referred to Committee on Labor and Employment Relations.
SB 10, introduced by Aklestad. Referred to Committee on Labor and Employment Relations.
SB 11, introduced by Mazurek. Referred to Committee on Judiciary.
SB 12, introduced by Aklestad. Referred to Committee on Taxation.
SB 13, introduced by Halligan. Referred to Committee on Public Health, Welfare, and Safety.
SB 14, introduced by Neuman. Referred to Committee on State Administration.
SB 15, introduced by Neuman. Referred to Committee on State Administration.
SB 16, introduced by Halligan (By Request of the Interim Subcommittee on Lien Laws). Referred to Committee on Judiciary.
SB 17, introduced by Pinsoneault (By Request of the Committee on Indian Affairs). Referred to Committee on Public Health, Welfare, and Safety.
SB 18, introduced by Pinsoneault (By Request of the Committee on Indian Affairs). Referred to Committee on Public Health, Welfare, and Safety.

SB 19, introduced by Aklestad. Referred to Committee on Labor and Employment Relations.
SB 20, introduced by Halligan (By Request of the Joint Interim Subcommittee on Lien Laws). Referred to Committee on Judiciary.
SB 21, introduced by Story (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
SB 23, introduced by Halligan. Referred to Committee on Judiciary.
SB 24, introduced by Halligan. Referred to Committee on Judiciary.
SB 25, introduced by Gage. Referred to Committee on Judiciary.
SB 26, introduced by Hager (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
SB 27, introduced by Gage. Referred to Committee on Natural Resources.
SB 28, introduced by Lynch. Referred to Committee on Local Government.
SB 29, introduced by Lynch (By Request of the Legislative Council). Referred to Committee on State Administration.
SB 30, introduced by Hager. Referred to Committee on Taxation.
SB 31, introduced by Jacobson. Referred to Committee on Public Health, Welfare, and Safety.
SB 32, introduced by Kolstad, J. Brown, Phillips (By Request of the Capitol Building and Planning Committee). Referred to Committee on State Administration.
SB 33, introduced by Lynch. Referred to Committee on Judiciary.
SB 34, introduced by Harding. Referred to Committee on Labor and Employment Relations.
SB 35, introduced by Smith. Referred to Committee on Local Government.
SB 36, introduced by Smith. Referred to Committee on Taxation.
SB 37, introduced by Bengtson. Referred to Committee on Education and Cultural Resources.
SB 38, introduced by Williams. Referred to Committee on Education and Cultural Resources.
SB 39, introduced by Williams. Referred to Committee on Education and Cultural Resources.
SB 40, introduced by Halligan. Referred to Committee on Judiciary.
SB 41, introduced by Pinsoneault. Referred to Committee on Judiciary.
SB 42, introduced by Neuman. Referred to Committee on State Administration.
SR 1, introduced by Van Valkenburg. Referred to Committee on Rules.
SJR 1, introduced by Gage (By Request of the Committee on Indian Affairs). Referred to Committee on Public Health, Welfare, and Safety.
SJR 2, introduced by McCallum. Referred to Committee on State Administration.
SJR 3, introduced by Gage. Referred to Committee on State Administration.

SPECIAL ORDERS OF THE DAY

President Norman introduced and welcomed the following ten new Senators:

Senator Hubert J. Abrams
Senator Tom Beck
Senator Al Bishop
Senator Sam Hofman
Senator Greg Jergeson
Senator Harry H. "Doc" McLane
Senator Darryl Meyer

Senator Tom Rasmussen
Senator Eleanor L. Vaughn
Senator Mike Walker

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 6, 1987.

Motion carried unanimously.

Senate adjourned at 1:10 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SECOND LEGISLATIVE DAY

Helena, Montana
January 6, 1987

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

Senator Jacobson offered the following memoriam:

"Mr. President, members of the Senate:

As we start this new session, I think it appropriate to recognize a loss many people have felt this past year—not only the people of Butte and the low-income groups around the state, but also those of us in the Senate who had the pleasure to know and work with Louise Kunz. Louise passed away four days after the end of the June 1986 Special Session.

Many of us knew of Louise's work here in the Legislature. Her quiet, compassionate style was appreciated both by the people she advocated for and by those of us who worked with her. She was an effective, unassuming advocate for the causes of low-income persons.

What many of us may not know was that Louise raised 13 children, often during difficult times. What some of us might find an obstacle, Louise found a challenge. She also found time to reach out to others to make a difference in their lives. With her quiet approach she helped low-income people gain self-confidence, to learn to speak for themselves. She was active in many community projects including the Butte Food Bank, the Low Income Coalition, and women's issues.

I would ask that we join her family and friends in remembering a caring and giving person. We are all better for her having touched our lives. The loss of Louise is truly a loss to the people in the State of Montana."

Senator Jacobson moved that the President be authorized to direct the Secretary of the Senate to prepare a suitable copy of these remarks to be sent to the family of Louise Kunz. Motion carried unanimously.

The President so instructed the Secretary.

REPORTS OF STANDING COMMITTEES

RULES (Van Valkenburg, Chairman) 1/6/87

SR 1, introduced bill, be amended as follows:

1. Page 5, line 4.
Strike: "majority and minority"

And, as amended, do pass. Report adopted.

MOTIONS

Senator Van Valkenburg moved that the temporary rules be temporarily suspended to allow SR 1 to be placed on second reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad,

Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 7, introduced by Farrell. Referred to Committee on State Administration.
SB 43, introduced by Farrell. Referred to Committee on Highways and Transportation.
SB 44, introduced by Farrell. Referred to Committee on Taxation.
SB 45, introduced by Williams. Referred to Committee on Taxation.
SB 47, introduced by Gage (By Request of the Department of Revenue, the Committee on Indian Affairs, and the Revenue Oversight Committee). Referred to Committee on Taxation.
SB 48, introduced by Brown (By Request of the Joint Interim Subcommittee on Liability Issues). Referred to Committee on Judiciary.
SB 49, introduced by Thayer (By Request of the Joint Interim Subcommittee on Liability Issues). Referred to Committee on Judiciary.
SB 50, introduced by Brown (By Request of the Joint Interim Subcommittee on Liability Issues). Referred to Committee on Judiciary.
SB 51, introduced by Brown (By Request of the Joint Interim Subcommittee on Liability Issues). Referred to Committee on Judiciary.
SB 52, introduced by Brown (By Request of the Joint Interim Subcommittee on Liability Issues). Referred to Committee on Judiciary.
SB 53, introduced by Smith (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
SB 54, introduced by Thayer. Referred to Committee on Business and Industry.
SB 55, introduced by Story (By Request of the Joint Interim Subcommittee on Infrastructure). Referred to Committee on Taxation.
SB 56, introduced by Keating. Referred to Committee on Taxation.
SB 57, introduced by Halligan. Referred to Committee on Judiciary.
SB 58, introduced by Pinsoneault. Referred to Committee on Judiciary.
SB 59, introduced by Galt (By Request of the Joint Interim Subcommittee on Agricultural Problems). Referred to Committee on Judiciary.
SB 60, introduced by Halligan, Pinsoneault. Referred to Committee on Taxation.
SB 61, introduced by Halligan, Pinsoneault. Referred to Committee on Taxation.
SB 62, introduced by Gage. Referred to Committee on Fish and Game.
SB 63, introduced by Gage. Referred to Committee on Local Government.
SJR 4, introduced by Keating. Referred to Committee on State Administration.
SJR 5, introduced by Halligan, Pinsoneault. Referred to Committee on Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 1 - That SR 1 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 7, 1987.

Motion carried unanimously.

Senate adjourned at 3:19 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRD LEGISLATIVE DAY

Helena, Montana
January 7, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Halligan, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

President Norman introduced Kamala Compton, Miss Montana, who spoke to the members of the Senate.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 1/7/87

Recommend that the following attaches be hired by the Senate for the 50th Legislature:

Linda Carlson ..... Telephone Operator
J. Cort Harrington ..... Security/Doorman
Norman Eck ..... Security/Doorman
Edward G. Vasecka, Jr. ..... Security/Doorman
Rita Tenneson ..... Committee Secretary
Carolyn Linden ..... Committee Secretary
Bonnie Anderson ..... Assistant Bills Coordinator
Kathleen McLaughlin ..... Amendments Coordinator
Teddye Beebe ..... Proofreader
Ella Mae Winfield ..... Steno
Dawn Leighton ..... Assistant Journal Clerk

Report adopted.

JUDICIARY (Mazurek, Chairman) 1/6/87

SB 24, introduced bill, be amended as follows:

1. Page 2, line 10.
Following: "apply"
Strike: ", and"
Insert: "."

And, as amended, do pass. Report adopted.

SB 25, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

HJR 4, introduced by Hayne.

MOTIONS

Senator Williams moved that the following names be added to the list of sponsors of SB 38: Hammond, Nathe, Peck. Motion carried unanimously.

Senator Williams moved that the following names be added to the list of sponsors of SB 39: Hammond, Nathe, Peck. Motion carried unanimously.

Senator Smith moved that the following names be added to the list of sponsors of SB 35: Hammond, Harding, Cody, Nathe, Hirsch, Kolstad, Tveit, Yellowtail, Vaughn, Compton, Hanson, McCallum. Motion carried unanimously.

Senator Story moved that SB 55 be taken from the Committee on Taxation and that it be rereferred to the Committee on Local Government. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 46, introduced by Neuman (By Request of the Joint Interim Subcommittee on Agricultural Problems). Referred to Committee on Agriculture, Livestock, and Irrigation.
SB 64, introduced by Halligan. Referred to Committee on Taxation.
SB 65, introduced by Norman. Referred to Committee on Labor and Employment Relations.
SB 66, introduced by Gage, Keating. Referred to Committee on Taxation.
SB 67, introduced by Gage. Referred to Committee on State Administration.
SB 68, introduced by Gage. Referred to Committee on Education and Cultural Resources.
SB 69, introduced by Farrell (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.

SPECIAL ORDERS OF THE DAY

Senator Yellowtail introduced former Senator Carroll Graham.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 8, 1987.

Motion carried unanimously.

Senate adjourned at 3:25 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FOURTH LEGISLATIVE DAY

Helena, Montana
January 8, 1987

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Halligan, excused. Quorum present.

COMMUNICATIONS AND PETITIONS

Secretary Wallem read the following communication from Centralized Services Division, Department of Administration:

"This is to advise you that the State Treasurer's Office has discontinued the cashing of personal checks and state warrants. This procedure was implemented several months ago. As a result of the budget cuts, a significant portion of an FTE was deleted. Consequently, the Treasurer's Office can no longer provide a cashier function.

Please inform the legislators of this change. Thank you for your help."

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/8/87
Correctly printed and placed on the members' desks: SB 24, SB 25.

Report adopted.

JUDICIARY (Mazurek, Chairman) 1/7/87
SB 11, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/7/87
SB 21, introduced bill, be amended as follows:

1. Title, lines 7 and 8.
Following: "DATES;"
Strike: remainder of line 7 through "RULES;" on line 8

2. Page 1, line 25 through line 3, page 2.
Following: "review."
Strike: remainder of line 25 through "convenience." on page 2, line 3

3. Page 2, line 6.
Following: "rule"
Insert: ", adopted before October 1 of that year,"

And, as amended, do pass. Report adopted.

SB 29, do pass. Report adopted.
SB 32, do pass. Report adopted. 1/8/87

MOTIONS

Senator Harding moved that the following names be added to the list of sponsors of SB 34: E. Smith, Severson, Thayer, Eck, Keating, Brandewie, C. Smith, Jones. Motion carried unanimously.

Senator Hager moved that the following names be added to the list of sponsors of SB 26: Addy, Spaeth, Whalen, Winslow, Keating, McLane, B. Brown, Keenan, Crippen, Harrington, Rehberg, Ramirez, Simon, Harp, M. Williams, Mazurek. Motion carried unanimously.

Senator Lynch moved that the following names be added to the list of sponsors of SB 28: Haffey, Menahan, Jacobson, Van Valkenburg, M.

Walker, Stimatz, Harrington, Quilici, Keenan, Pavlovich, Daily, Fritz, D. Brown, Driscoll, Eudaily. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 70, introduced by Gage, Keating. Referred to Committee on State Administration.
SB 71, introduced by Gage, Hofman, Keating. Referred to Committee on Taxation.
SB 72, introduced by Himsl (By Request of the Department of Administration). Referred to Committee on State Administration.
SB 73, introduced by E. Smith, Farrell, Tveit, Cody. Referred to Committee on Highways and Transportation.
SB 74, introduced by Mazurek, McCallum, Crippen, Eck, Schye, Kitselman, Manning, Asay, Swift, Hager. Referred to Committee on Taxation.
SB 75, introduced by Abrams (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.
SB 76, introduced by Abrams (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.
SJR 6, introduced by Van Valkenburg, Hannah. Referred to Committee on Rules.

The following House bill was introduced, read first time, and referred to committee:

HJR 4, introduced by Hayne. Referred to Committee on Legislative Administration.

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Brown, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Brown moved that the following names be added to the list of sponsors of SB 48: Addy, Thayer. Motion carried unanimously.

Senator Brown moved that the following name be added to the list of sponsors of SB 50: Miles. Motion carried unanimously.

Senator Brown moved that the following names be added to the list of sponsors of SB 51: Thayer, Thomas, J. Brown, Iverson. Motion carried unanimously.

Senator Brown moved that the following names be added to the list of sponsors of SB 52: Miles, Addy. Motion carried unanimously.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 10:45 a.m., January 9, 1987.

Motion carried unanimously.

Senate adjourned at 3:12 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FIFTH LEGISLATIVE DAY

Helena, Montana
January 9, 1987

Senate Chambers
State Capitol

Senate convened at 10:45 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

MOTIONS

Senator Van Valkenburg moved that the President be empowered to appoint a committee of three to notify the Honorable House of Representatives that the Senate is ready to meet with them in joint session to receive the Governor's State of the State Address. Motion carried unanimously.

The President appointed the following committee: Senators Lybeck, Hirsch, and Himsl.

The committee was excused to perform its assigned duty.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 77, introduced by Pinsoneault. Referred to Committee on Judiciary.
SB 78, introduced by Haffey (By Request of the Department of Administration). Referred to Committee on Business and Industry.
SB 79, introduced by Halligan. Referred to Committee on Business and Industry.

The following House bill was introduced, read first time, and referred to committee:

HB 1, introduced by Donaldson. Referred to Committee on Finance and Claims.

ANNOUNCEMENTS

Announcements were made.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

HB 1, introduced by Donaldson.

MOTIONS

Senator Van Valkenburg moved that the Senate recess, subject to the call of the Chair, to await the report of the select committee. Motion carried unanimously.

Senate recessed at 10:52 a.m.

Senate reconvened at 10:59 a.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

The Sergeant-at-Arms announced that the committee appointed to notify the House of Representatives that the Senate was ready to meet with the House for the State of the State Address was at the door.

Senators Lybeck, Hirsch, and Himsl reported they had informed the House that the Senate was ready to meet with them in joint session to receive the message of the Honorable Governor.

The President thanked the committee and the committee was discharged.

MOTIONS

Senator Van Valkenburg moved that the Senate recess and proceed to the House of Representatives for the State of the State Address and that the Senate reconvene at 3:00 p.m. this day. Motion carried unanimously.

Senate recessed at 11:03 a.m.

SPECIAL ORDERS OF THE DAY

Members of the Senate were escorted to the House Chamber.

The Legislature being in joint session, Speaker Marks gave the Chair to President Norman.

Senator Van Valkenburg moved that the body resolve itself into a joint session for the purpose of receiving the State of the State Address from His Excellency, the Honorable Ted Schwinden, Governor of the State of Montana. Motion carried unanimously.

Senator Van Valkenburg moved that the President be authorized to appoint a committee of four to notify His Excellency, the Governor, that the Legislature is in joint session and ready to receive his State of the State Address. Motion carried unanimously.

President Norman appointed Senators Lynch and Galt and Representatives Lory and Bardanouve, and they were discharged to escort the Governor to the House Chamber.

His Excellency, Governor Ted Schwinden, was escorted to the rostrum.

Pastor Olson gave the invocation.

After being presented to members of both houses by the President of the Senate, Governor Schwinden delivered the following address:

STATE OF THE STATE MESSAGE
PRESENTED TO THE
FIFTIETH LEGISLATURE
AND TO THE PEOPLE OF MONTANA
BY
GOVERNOR TED SCHWINDEN
Friday, January 9, 1987, at 11 a.m.

Mr. President, Mr. Speaker, members of the Fiftieth Legislature, elected state officials, fellow Montanans.

At the close of our first century of statehood, this legislative session is inevitably historic. The Montana Centennial Commission, created in 1985, is currently recognizing those Century Citizens who helped shape our history — pioneers for whom hauling water and handcranking a Model T are not a matter of history, but of living memory. The early settlers came,

drawn by visions of a rich vein of gold, or 320 acres of their own golden grain.

Montana continues to provide plenty of opportunity for those who seek it. But, we must recapture the spirit of optimism without which yesterday's prospector and homesteader would never have taken a chance. Today, our horizons — and our potential — stretch across the Pacific and around the world to wherever advanced telecommunications and our own ingenuity can take us.

A Seeley Lake resident recently sent me some unsolicited — but timely — advice: "I'm tired of hearing about our sagging economy," wrote Elinor Williamson, ". . . if we all just work together, we can overcome any problems our state has."

She was right — and 'right on'!

This Fiftieth Session is as much a beginning as an ending, as much a prelude to our second century as the conclusion of our first. Our Montana heritage — our sense of personal independence tempered by a neighborly commitment to community — will guide us into our second century.

The task we share is to balance a pragmatism mandated by short-term economic adversity with a vision of a better tomorrow. We must strengthen the emerging public-private partnership to assure responsible progress. And, we must exercise courage as we pursue reform; set new priorities as we respond to change.

Six years ago, in my first address as Montana's governor, I pledged that I would make "cost-conscious, people-sensitive management" the standard of my administration. We have kept that commitment. From the involvement of the Council on Management to improve government efficiency . . . to the creation of the Montana Ambassadors' network to involve business people in strengthening our economy . . . to the ongoing use of the Priorities for People process in shaping our human service priorities . . . this administration has responded to the changing needs of our state.

Today, I challenge our educational institutions to do the same. Last November 4th, our citizens were given a choice between their historic commitment to quality public education and Constitutional Initiative 27's promise of doing away with property taxes. To their credit, they took the long view . . . and Montana's children came out the winners.

If young Montanans are to remain the winners, we must have educational excellence and educational reform . . . and it must occur at every level.

Simply putting more money into schools is not the answer. Montanans already spend a greater percentage of their income on each school child than do Americans in all but three other states. Where does the money go?

Forbes Magazine last week pointed out that, in the past 30 years, spending on education has risen from four to nearly seven percent of the GNP. But, during that same period, the proportion of school operating budgets spent on teachers' salaries has declined by 15 percent. Montana statistics also point to the significant bite administrative costs are taking. Last year, while Montana ranked 43rd in the nation in student enrollment, we were 10th in the number of school districts we support.

Clearly, Montanans are willing to pay for quality, but they expect — and deserve — accountability. We must develop a funding formula that encourages both administrative efficiency and educational excellence.

I have asked that the Legislature continue to dedicate approximately one-fourth of all general fund revenues to higher education, and allow universities to reinvest the research dollars they earn. A quality university system is critical in responding to the transitional economy, but universities must also respond to change. They must adjust to the declining enrollments dictated by the end of the baby boom and make quality — not quantity — the priority of the system. From our experience with the 1982 management study of state government, I am confident that the $150,000 I have proposed for a similar study of our universities will be a sound and rewarding investment.

As we pursue excellence — and accountability — in our educational system, we must also examine our responsibilities to Montana's troubled youth. Fifteen months ago, in response to growing concern that our youth services system — and our troubled youngsters — were suffering from "too many cooks," I asked a group of concerned Montanans to recommend a better system. The string of teenage tragedies in recent months has shaken first one community and then another — making clear the urgent need for change. To ensure that today's troubled youth don't become tomorrow's troublesome adults, I ask the Legislature to support creation of a new Department of Family Services. By consolidating responsibility and current funding into a single new agency, we can make sure that no children — and no tax dollars — are lost in the "institutional shuffle."

If the Legislature supports the funding levels I have proposed, there will be fewer people on the state payroll in 1987 than at any time since 1975. We've been getting smaller, yes; less responsive, no . . . because the men and women who work for the state are working harder. State employees continue to give that extra something that frequently prompts people from around the state to drop me a line expressing their appreciation for a job well done.

Together we can balance the state budget, provide needed services, and create expanded opportunity — the kind of opportunity the 1983 and 1985 Legislatures had in mind when they approved the initial Build Montana economic development programs and the far-sighted alliance for investment in technology research and development.

This Legislature must continue to address the shortage of venture capital that threatens to undermine our current and future economic initiatives. Like a newly sprouted seed, good business ideas must be nurtured before we can expect them to flourish on their own. I propose that we establish a $16 million bonding program through the Science and Technology Alliance, and that we invest a small portion of state retirement funds in established venture capital firms. Together with the initiatives to expand the capital company credit contained in my tax reform package, these actions would put good ideas — and more Montanans — to work within our borders.

We must also ensure that our existing businesses remain competitive and that Montanans remain confident in their economy and in their government. To that end, I have recommended a major reform of our tax structure and the workers' compensation system.

Court decisions have eroded legislative and executive control of the workers' compensation system, and spiralling costs have shaken public confidence in the program. I urge this Legislature to adopt the changes proposed by the Workers' Compensation Advisory Council and the Department of Labor.

Montana's tax system also demands reform. The tax initiatives I announced in November will achieve greater equity and simplicity, while encouraging growth and expanded investment. Responsible tax reform, and a budget balanced without a tax increase, will strengthen Montana's positive climate for economic development. If we are to prevent major tax increases, legislative approval of the temporary transfer of coal tax revenues to the general fund is imperative.

Avoiding tax increases is essential — avoiding tax debate, all but impossible. When a majority of voters cast their ballots in favor of Initiative 105, they guaranteed that the sales tax issue would be on the 1987 legislative agenda.

The proponents of I-105 clearly wanted a sales tax, but were unwilling to put the question directly to the voters. That is not the way we conduct politics in Montana. Let's get the issue out into the open now by placing a clear and decisive choice before the voters in 1988.

I remain convinced that a sales tax is neither necessary nor desirable for Montana. But, if Montana is to have a sales tax, it must be designed to encourage development, to create jobs and to provide relief for homeowners — not to increase government spending. And it must have the support of the people of this state. I propose that this Legislature place on the ballot a referendum to repeal all taxes on personal property, exempt from taxation the first $16,500 of the market value of residential houses, and replace the lost revenue with a three percent sales tax. The voters of this state deserve the opportunity to make that decision. I trust their judgment.

The people of Montana can take pride in their good judgment — in their wise commitment to the preservation of a quality environment, and their support of legislation enacted over the past two decades to protect our soil, air, water, and wildlife. Government and industry have demonstrated that such laws are compatible with the economic development we seek. One need look no further than the new Centennial Minerals mine near Jefferson City or the recent discharge permit for Stone Container Corporation's pulp mill at Frenchtown for positive examples.

It's time to take the next step forward. I propose that we dedicate six percent of the Resource Indemnity Trust earnings to a special "Superfund Trust." By providing the matching dollars necessary for Montana to make full use of the federal superfund program, the new trust would guarantee that we continue to clean up the mistakes made in our first century.

One hundred years ago, the winter of 1886-87 brought Montana's open-range cattle days to a painful close — but Montana survived. In the first half of this decade, the global marketplace has dealt us setbacks as devastating as the chilling blizzards of a century ago . . . but now, as then, Montana will survive and prosper.

In early December, the Montana Grain Growers met in Great Falls. Perhaps not surprising for a group that has been the traditional wellspring of next-year optimism, Montana farmers are going into the new year wearing buttons like this . . . buttons that say, "Yes we can."

Over the next four months, we can forge progressive new policies, shaped in part by adversity but more by the creativity and perseverance that make us uniquely Montanan. And then we can look our grandchildren right in the eye and say with pride — yes we did!

Pastor Olson gave the benediction.

The Governor was escorted from the Chamber.

Senator Van Valkenburg moved that the joint session of the 50th Legislature be adjourned. Motion carried unanimously.

Joint session adjourned at 11:33 a.m.

Senate reconvened at 3:00 p.m.

Senator Neuman excused at this time.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the first legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/9/87
Correctly printed and placed on the members' desks: SB 11, SB 21, SB 29, SB 32.

Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 1/8/87
SB 35, do pass. Report adopted.

RULES (Van Valkenburg, Chairman) 1/9/87
SJR 6, introduced bill, be amended as follows:

1. Page 11, line 10.
Following: line 10
Insert: "(2) Long distance telephone calls made while legislators are in session or in travel status are considered official legislative business and include but are not limited to calls made to constituencies, places of business, and family. Session staff, including aides and interns, may use telephones for long distance calls only when specifically authorized to do so by their legislative sponsor or supervisor. Sponsoring legislators and supervisors are accountable for use of state telephones by their staff, including aides and interns. Members may not authorize others to use state phones. Permanent staff of the legislature shall comply with executive branch rules applying to the use of state telephones."

2. Page 42, line 17.
Following: "than"
Insert: "the Rules and"

3. Page 42, line 19.
Following: "Because"
Insert: "the Rules and"

4. Page 42, line 20.
Strike: "conference"
Insert: "such"

And, as amended, do pass. Report adopted.

Adverse Committee Report

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/7/87
SB 5, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad,

Lybeck, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Vaughn, Weeding, Yellowtail, Mr. President.
Total 41

Noes: Haffey, Jacobson, Lynch, Manning, Stimatz, Van Valkenburg, Walker, Williams.
Total 8

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

MOTIONS

Senator Haffey moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 5.

Senator Haffey withdrew his motion.

Senator Halligan moved that the following names be added to the list of sponsors of SB 20: Thayer, Poulsen, Mercer, Hager, Rasmussen, Boylan, Gage, Wallin, D. Brown. Motion carried unanimously.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., January 10, 1987.

Motion carried unanimously.

Senate adjourned at 3:16 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTH LEGISLATIVE DAY

Helena, Montana
January 10, 1987

Senate Chambers
State Capitol

Senate convened at 9:02 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Beck, Bengtson, Crippen, Story, Tveit, Yellowtail, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/10/87
Correctly printed and placed on the members' desks: SB 35, SJR 6.

Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 1/9/87
HB 1, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 1/9/87
HJR 4, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/8/87
SJR 3, introduced bill, be amended as follows:

1. Title, line 6.
Following: "BETWEEN"
Insert: "THE PROVINCES OF"
Following: "ALBERTA,"
Insert: "BRITISH COLUMBIA, AND SASKATCHEWAN,"

2. Page 1, line 15.
Following: "exist"
Strike: "six"
Insert: "11"

3. Page 1, line 16.
Strike: "Province"
Insert: "Provinces"
Following: "Alberta,"
Insert: "British Columbia, and Saskatchewan,"

4. Page 1, line 21.
Following: "and"
Insert: "the Provinces of"
Following: "Alberta,"
Insert: "British Columbia, and Saskatchewan,"

5. Page 2, line 1.
Following: "and"
Insert: "the Provinces of"
Following: "Alberta,"
Insert: "British Columbia, and Saskatchewan,"

6. Page 2, line 6.
Following: "and"
Insert: "the Provinces of"
Following: "Alberta,"
Insert: "British Columbia, and Saskatchewan,"

7. Page 2, line 10.

Following: "and"
Insert: "the Provinces of"
Following: "Alberta,"
Insert: "British Columbia, and Saskatchewan,"

8. Page 2, line 16.
Following: "Delegation,"
Insert: "the Montana Highway Department, the appropriate officials of the affected Montana counties,"

9. Page 2, line 18.
Following: "Legislative"
Strike: "Assembly"
Insert: "Assemblies"
Strike: "Province"
Insert: "Provinces"
Following: "Alberta,"
Insert: "British Columbia, and Saskatchewan,"

And, as amended, do pass. Report adopted.

TAXATION (McCallum, Chairman) 1/9/87

SB 26, introduced bill, be amended as follows:

1. Page 2, line 13.
Following: "payment"
Strike: "of"
Insert: "for $113,000 due in"
Following: "an"
Strike: "undivided"

2. Page 2, line 14.
Strike: "interest of"
Following: "ownership"
Strike: "of"
Insert: "interest in"
Following: "Mansion"
Strike: "in the amount of"

3. Page 2, line 15.
Strike: "$113,000"

4. Page 2, line 19.
Following: "payment"
Insert: "—terms and conditions"

5. Page 2, lines 19 through 23.
Following: "." on line 19
Strike: remainder of lines 19 through 23 in their entirety
Insert: "(1) Subject to the terms and conditions set forth in this section, the department of revenue shall accept as in-kind payment for $113,000 due in estate and inheritance taxes an ownership interest in the Moss Mansion, described in the preamble of this act.

(2) The Montana historical society is authorized to take title by warranty deed to the real and personal property associated with the Moss Mansion, in the name of the state of Montana, as tenants in common with the city of Billings, in the proportion contributed by each to acquire Moss Mansion. Accordingly, the state is entitled to a 61.5% ownership interest in the property based on a $50,000 appropriation in 1983 for the Moss Mansion and the in-kind payment of $113,000 under this act, and the city of Billings is entitled

to a 38.5% ownership interest in the property based on its $102,000 investment in the property.

(3) Upon taking title under subsection (2), the Montana historical society shall record its interest and promptly notify the department of revenue. The department shall notify the county treasurer and state treasurer of the in-kind payment.

(4) The Montana historical society may not take title under subsection (2) until it receives a contract executed by the Billings preservation society, the city of Billings, and the Montana historical society in which contract the Billings preservation society agrees to assume full responsibility for the management, maintenance, and operational costs of the Moss Mansion and associated personal property and to make major changes or modifications to such property only upon approval by the Montana historical society and the city of Billings."

And, as amended, do pass. Report adopted.

MOTIONS

Senator Van Valkenburg moved that the temporary rules be temporarily suspended to place HB 1 on second reading this legislative day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

Senator Lybeck moved that the following names be added to the list of sponsors of SB 6: J. Brown, Jacobson. Motion carried unanimously.

Senator Thayer moved that the following names be added to the list of sponsors of SB 49: Miles, Thomas, Addy, Gilbert, B. Brown, Hammond, Meyer, Halligan, McLane, Anderson, Hofman, Beck, Jergeson, Lybeck, Mazurek, Keating, Pinsoneault, Walker. Motion carried unanimously.

Senator Van Valkenburg moved that the temporary rules be temporarily suspended to place HJR 4 on second reading this legislative day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: None.

Total 0

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that SJR 6 be placed on the members' desks and that it be placed on second reading on the seventh legislative day. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 80, introduced by Mazurek. Referred to Committee on Business and Industry.
SB 81, introduced by Weeding, M. Hanson (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
SB 82, introduced by Weeding, B. Williams. Referred to Committee on Legislative Administration.
SB 83, introduced by Mazurek (By Request of the Department of Commerce). Referred to Committee on Business and Industry.
SB 84, introduced by Thayer, Bachini (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 24 - That SB 24 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

SB 25 - That SB 25 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch,

Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

HB 1 - Senator Van Valkenburg moved that HB 1, third reading copy, be amended as follows:

1. Page 2, line 2.
Strike: line 2 in its entirety

Amendment passed as follows:

Ayes: 34
Total 34

Noes: 10
Total 10

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

(Due to machine malfunction, votes were not stored for printing).

That HB 1 be concurred in. Motion carried as follows:

Ayes: 36
Total 36

Noes: 8
Total 8

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

(Due to machine malfunction, votes were not stored for printing).

HJR 4 - That HJR 4 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.

Total 6

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the temporary rules be temporarily suspended to place HB 1 and HJR 4 on third reading this day.

Senator Van Valkenburg withdrew the motion.

Senator Neuman moved to reconsider action on HB 1 and to place it on second reading this legislative day. Motion failed as follows:

Ayes: Aklestad, Anderson, Boylan, Farrell, Gage, Galt, Hammond, Hirsch, Hofman, Kolstad, McCallum, McLane, Meyer, Neuman, Severson, Smith, Thayer, Mr. President.
Total 18

Noes: Abrams, Bishop, Blaylock, Brown, Eck, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 26

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the temporary rules be temporarily suspended to place HB 1 on third reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Brown, Eck, Farrell, Galt, Haffey, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Boylan, Gage, Hager, Hammond, Hirsch, Smith, Thayer.
Total 7

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the temporary rules be temporarily suspended to place HJR 4 on third reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch,

Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 42

Noes: Boylan, Thayer.
Total 2

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 1 concurred in as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 32

Noes: Aklestad, Boylan, Gage, Galt, Hager, Hammond, Hirsch, Kolstad, Neuman, Severson, Smith, Thayer.
Total 12

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

HJR 4 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Boylan.
Total 1

Excused: Beck, Bengtson, Crippen, Story, Tveit, Yellowtail.
Total 6

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 12, 1987.

Motion carried unanimously.

Senate adjourned at 10:20 a.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SEVENTH LEGISLATIVE DAY

Helena, Montana
January 12, 1987

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the second and third legislative days, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/12/87
Correctly printed and placed on the members' desks: SB 26, SJR 3.
Correctly engrossed: SB 24, SB 25.
Correctly enrolled: SR 1.

Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 1/12/87
Recommend that at the close of business January 10, 1987, the following employment be terminated:

Carlton Adkison.....Page
Rusty Kirkham.....Page
Anna Williams.....Page
Scott Sager.....Page
Heidi Gollehon.....Page
Angela Fultz.....Page
Michael Hogan.....Page

Report adopted.

Recommend that at the beginning of business January 8, 1987, the following be employed:

Thea Van Nice.....Secretary to Democratic Leader

Recommend that at the beginning of business January 12, 1987, the following be employed:

Sonya Wendt.....Page
Cindy Brown.....Page
Andrew Oakey.....Page
Jennifer Nelson.....Page
Robert Wade.....Page
Helen Taffs.....Page
Sarah Burgess.....Page

Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 11, introduced by Manuel.

HB 12, introduced by Nathe.

HB 27, introduced by Spaeth.

HB 34, introduced by Spaeth.

HB 48, introduced by Harrington.

HB 63, introduced by Hanson.

MOTIONS

Senator Blaylock moved a point of personal privilege.

Senator Neuman moved that SB 42 and SB 70 be taken from the Committee on State Administration and that they be rereferred to the Committee on Rules. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 85, introduced by Gage (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.
SB 86, introduced by Gage. Referred to Committee on Natural Resources.
SB 87, introduced by Gage. Referred to Committee on Taxation.
SB 88, introduced by Van Valkenburg, Cohen, Mercer, B. Brown. Referred to Committee on Judiciary.
SB 89, introduced by Keating, Gage, Harding, Asay, Gilbert, Campbell, Jones, E. Smith, Tveit. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 11, introduced by Manuel (By Request of the Legislative Council). Referred to Committee on State Administration.
HB 12, introduced by Nathe (By Request of the Coal Tax Oversight Subcommittee). Referred to Committee on Taxation.
HB 27, introduced by Spaeth (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
HB 34, introduced by Spaeth (By Request of the Board of Barbers). Referred to Committee on Business and Industry.
HB 48, introduced by Harrington (By Request of the Department of Revenue). Referred to Committee on Taxation.
HB 63, introduced by Hanson. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Blaylock in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 11 - That SB 11 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 21 - That SB 21 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 29 - Senator Boylan moved that consideration on SB 29 be passed. Motion failed as follows:

Ayes: Boylan.
Total 1

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

That SB 29 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 48

Noes: Boylan.
Total 1

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 32 - That SB 32 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SJR 6 - Senator Hirsch moved that SJR 6, second reading copy, be amended as follows:

1. Page 36, line 13.
Following: "in the"
Strike: "House"
Insert: "receiving house"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that SJR 6, second reading copy, be further amended as follows:

1. Page 37, line 11.
Following: "than the"

Strike: "80"
Insert: "67"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

That SJR 6, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Blaylock moved the adoption of the committee report. Report adopted.

MOTIONS

Senator Van Valkenburg moved that the temporary rules be temporarily suspended to place SJR 6 on third reading this legislative day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SJR 6 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 13, 1987.

Motion carried unanimously.

Senate adjourned at 4:32 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTH LEGISLATIVE DAY

Helena, Montana
January 13, 1987

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Stimatz, excused. Quorum present.

SPECIAL ORDERS OF THE DAY

The Sergeant-at-Arms announced that U.S. Eastern District Congressman Ron Marlenee waited at the door. President Norman asked Senators Lynch and McCallum to escort him to the rostrum.

SPEECH BY CONGRESSMAN RON MARLENEE BEFORE THE 50TH MONTANA SENATE JANUARY 13, 1987

My fellow Montanans:

Ironic isn't it, we have the reverse situation in the state that we have in Washington. Here the Republicans essentially control and must accept the responsibility for corrective action, although I wish we had a Congress balanced like this. Nonetheless, the Democrats now overwhelmingly control Congress and are totally responsible for tax increases and general pain and suffering. Have you ever heard that one before?

As usual, I will attempt to be totally non-partisan and somewhat self-deprecating and more especially, brief.

The Governor was just here and gave his delivery which you call State of the State Address.

It will be just fine if you call mine State of Confusion.

Speaking of Governors, let me open by reading a letter from the Governor—the Governor of Wyoming, soliciting moves from Montana, dated Oct. 27, 1986, office of Gov. Ed Herschler.

"You know Wyoming as a land of long distances and wide spaces with mountain shadows always on the horizon. I am sure you see it on your operations map as the bridge you travel to deliver your freight. As a businessman, I know you are continually seeking ways to make sure your bottom line remains black. Wyoming business people can help you. You already know that our highways are among the best in the nation. You should also be aware that Wyoming maintains a business and tax climate that is highway-user friendly. Our tax structure is among the lowest in the nation.

You'll also find that Wyoming has no punitive laws which make it difficult and frustrating to operate efficiently.

All other services you may need are available in Wyoming at more competitive prices. Our sales tax is among the lowest in the region.

Wyoming invites you to take a good look at doing business here."

He could have added a P.S.—Our workers' compensation rate is $1.00 per $100.00 compared to Montana's $31.50 per $100.00. Sounds like a competitor, doesn't he?

We are all competitors. As a nation, as a state, as business people, and as politicians, we compete. As a nation we have lost much of our competitive edge. As a state our competitiveness has diminished and our balance of trade is terrible. As a business community providing jobs, we are hard-working and tough folks. But hard-working and tough won't cut it. Not when you have, quote Herschler, "Punitive laws that make it difficult and frustrating to operate". Ask yourself if and why we have stricter than national standards for air, water, and reclamation. Is it really necessary, or was it designed to keep out jobs?

What kind of signal is the state as a whole sending out to those who would invest job-producing risk capital?

Messages are continually being sent.

COAL BUSINESS

Let's start with the coal business.

1. A class-one air designation was allowed to proceed by the Governor on more than one occasion.

2. Stricter than national standards on siting and reclamation.

3. Severance tax set is the highest in the nation.

A year ago I had a potential customer tell me he would like to purchase 600 million tons of coal but the severance tax put us out of competition. The message to investors from groups like the Northern Plains Resource Council are negative. They have never supported a coal sale anywhere. This one group has cost this state a tremendous amount of jobs and lost revenue. Yet we, as citizens and media, allow them a weighted influence far beyond their proportionate representation.

OIL PRODUCTION

It took Sohio 10 months to get a well sited on private land up Bridger Canyon. What a message that sent! It was brought up to me in D.C. on more than one occasion.

I remember 8 years ago my opponent was calling me a tool of big oil and inferring they were all scoundrels. I won and then they made him a Public Service Commissioner. Now he couldn't sell his home if he wanted to. Because of the depression in the oil patch, he has 3700 other homes in Billings ahead of him on the market.

Another message was sent from a County Commissioner in Lewis & Clark County. The Commissioner said, "No development on the Rocky Mountain Front." This Commissioner in essence said no to 300 million dollars in state, county, and local taxes from the average gas field over its full life. That figure would have been 3 billion had it been an oil field. How long do we continue to say no? How would 300 million help you deal with your budget problems?

Now in Washington we are talking about a wilderness bill that would encompass that whole area. Let me say again this is the wrong time to send signals that Montana is a wolves, wilderness, and welfare state. We don't advocate drilling a well or building roads into existing wilderness areas, but putting another 3 to 5 million acres off limits to 96% of general recreation is the wrong message. I would propose that instead we protect it with management plans that provide for general recreation on most of the acres and harvesting the resources on a small percentage of those acres.

And what of the oil and gas industry that in 1985 provided nearly ¼ of the revenue of the state? I predict they will be back if you give them the incentives and back-up. It's inevitable because Congress has so screwed up our energy policy that every citizen will pay through the nose. But we need to be competitors when it comes. Let's not have the rigs go through. Let's give them the incentive to stop and drill. We can use the revenue.

Congress also passed an extremely expensive superfund bill that must be paid for. And, to do that will raise the taxes on our 5 major refineries from $430,000 per year to $5.6 million per year. Just a warning—if Exxon pulls out and we lose 600 jobs and a huge tax base, I'm glad my vote was NO and don't ask me how you're going to mitigate that. I would suggest you mitigate their air standard problems before they leave town.

What else has Congress done? Well, it passed a tax bill that I labeled tax fraud that will destroy some businesses, destroy some farms, and a lot of jobs. The producer who has to sell a parcel of land to reduce his indebtedness will find that the lack of capital gains treatment will leave him even further in debt. I would solicit from you a resolution supporting the return of capital gains, the support of income averaging, and the return of investment credit.

I would also urge you to repel and reject legislation aimed at creating a nuclear-free zone or any anti-Midgetman legislation. The Midgetman project will impact all the state in a positive fashion. First: It becomes a pressure valve to relieve unemployment from Havre to Billings to Missoula. Second: It's a core magnet around which we have a better chance of attracting service and hi-tech industry. Third: It means 3500 permanent military jobs plus 6000 dependents. Fourth: That means additional travel activity which helps us expand and keep our commercial air transportation services. Fifth: Many military personnel retire in Montana which means a stable, relatively high retirement income base. Sixth: Job opportunities increase as distributors from Helena, Billings, Missoula are called on for supplies. Seventh: 3000 to 5000 jobs are generated in the private sector—some temporary, some permanent. Eighth: Road upgrading and bridge construction help lift the load off county road budgets and create temporary jobs. Ninth and Tenth: Millions of dollars pumped into the economy is some hope for businessmen now contemplating closing shop. Ten good reasons for Montana to compete. Do you need more? I will host a coffee in Helena on February 16 with Pentagon officials and military personnel to field questions and for an explanation of the product. However, as you might expect, it's business as usual with the doomsayers, and one more time a negative message is being sent.

Quote Missoulian: "WHILE THE MIDGETMAN'S MILITARY USEFULNESS IS DEBATABLE, ITS DESIRABILITY IN MONTANA ISN'T."

I suggest that if the Missoulian and the Bozeman Chronicle are that myopic and narrow-minded about the future that they run a banner headline urging all who are unemployed not to cross over into that wicked land of employment and missiles. Maybe they would like a gate on the interstate.

And for you Democrats who may be a little shy on this —remember Mike Mansfield was Senator when the Minuteman was placed in Montana.

A couple of personal requests:

1. As a business person directly involved with providing jobs in Eastern Montana, I would urge you to take immediate action to correct the workers' compensation scandal with its $31.50 rate, compared to Wyoming's

$1.00. It's driving jobs out of the state. It is raping and ruining, not only the over-extended job providers, but also devastating the funds that rightly belong to those who deserve it.

2. As a property owner in N.E. Montana, I have felt the dagger of pain caused by a $6,000 property tax increase.

Finally, I would ask that this legislature not allow the schools, such as Miles Community College, Glendive Community College, Northern, Eastern, and Western to be cannibalized. Streamlined, yes. Cannibalized, no. The students at these institutions have the highest commitment to training and retraining of any group of students in America. With the severe dislocation, loss of jobs, and loss of businesses occurring in Montana, we need to provide hope of a better future through retraining. Let's not make relocation harder.

Please be assured I am not in any sense attempting to tell this august body what to do. As the elected Representative of half of the people of Montana, I only humbly reflect the frustrations and opinions of those whom you collectively serve.

By the way, keep it a secret that I was here in the Western District. The chairman of the Democratic party would rather I didn't answer any mail or take any cases or help any legislators from this side—especially the boys from Butte. I don't know what he's worried about. I'm not running for President, Governor, or Senator. I will refile for Congress.

Senators Lynch and McCallum escorted Congressman Marlenee from the Senate.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/13/87
Correctly engrossed: SB 11, SB 21, SB 29, SB 32.

Report adopted.

COMMITTEES (Galt/Mazurek, Co-Chairmen) 1/13/87

We, your Committee on Committees, hereby appoint to the Legislative Audit Committee: Ted Neuman, Delwyn Gage.

Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 1/13/87

SB 68, introduced bill, be amended as follows:

1. Page 1.
Following: line 23
Insert: "Section 2. Extension of authority. Any existing authority of the superintendent of public instruction to make rules on the subject of the provisions of this act is extended to the provisions of this act."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 1/12/87
SB 59, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "15"
Insert: "10"

2. Page 3, line 7.
Strike: "15"
Insert: "10"

3. Page 4, line 4.
Strike: "2006"
Insert: "2001"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/12/87
SJR 4, do pass. Report adopted.

TAXATION (McCallum, Chairman) 1/13/87
SB 47, introduced bill, be amended as follows:

1. Title, line 11.
Following: "15-1-501,"
Strike: "15-1-502,"

2. Page 3, line 11 through line 3, page 4.
Strike: section 2 in its entirety
Renumber: subsequent sections

3. Page 6, line 20.
Following: "section"
Strike: "5"
Insert: "4"

4. Page 6, line 22.
Following: "section"
Strike: "5"
Insert: "4"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 22, introduced by Harper.

HB 50, introduced by Cobb.

MOTIONS

Senator Williams introduced former Senator Don Foster who is now Legislative Assistant to Congressman Pat Williams.

Senator Jacobson moved that the following names be added to the list of sponsors of SB 31: Gilbert, Iverson, Quilici. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 90, introduced by Hammond, Thayer, McCallum, Aklestad. Referred to Committee on Taxation.
SB 91, introduced by Hammond, Marks (By Request of the Administrative Code Committee). Referred to Committee on Local Government.
SB 92, introduced by Stimatz, Eck, Abrams, Marks, Bradley, Galt, Spaeth, Iverson (By Request of the Water Policy Committee). Referred to Committee on Natural Resources.

SB 93, introduced by Walker, Meyer, Driscoll, Lynch, Quilici, Stimatz, Jacobson, O'Connell, Haffey, Mercer, Strizich (By Request of the Public Employees' Retirement Board). Referred to Committee on Local Government.

SB 94, introduced by Lybeck, J. Brown, Jacobson. Referred to Committee on Judiciary.

SB 95, introduced by Rasmussen, Hofman, Aklestad, Donaldson. Referred to Committee on State Administration.

SB 96, introduced by Rasmussen, Halligan. Referred to Committee on Judiciary.

SB 97, introduced by Thayer, J. Brown (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

The following House bills were introduced, read first time, and referred to committees:

HB 22, introduced by Harper. Referred to Committee on Business and Industry.

HB 50, introduced by Cobb (By Request of the Fire Services Training School). Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Gage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 35 - That SB 35 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Gage moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 24 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 25 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 14, 1987.

Motion carried unanimously.

Senate adjourned at 3:43 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

NINTH LEGISLATIVE DAY

Helena, Montana
January 14, 1987

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the fourth and fifth legislative days, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/14/87
Correctly printed and placed on the members' desks: SB 47, SB 59, SB 68, SJR 4.
Correctly engrossed: SB 35.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/14/87
SB 78, do pass. Report adopted.
SB 80, do pass. Report adopted. 1/13/87
SB 83, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 1/13/87
SB 40, introduced bill, be amended as follows:

1. Title, line 7.
Following: "CONDUCT"
Insert: "OR A MINOR VICTIM OF A SEXUAL CRIME OR HIS IMMEDIATE FAMILY"

2. Page 4.
Following: line 17
Strike: "(9)(b)"
Insert: "(9)(c)"

3. Page 4.
Following: line 21
Insert: "(b) Subject to the limitations in subsection (9)(c), a minor who is a victim of a sexual crime for which a person has been charged and who is not entitled to receive services under Title 41, chapter 3, or the parent, brother, or sister of such a minor is entitled to reimbursement for mental health treatment received as a result of the crime."

4. Page 4, line 22.
Following: line 21
Strike: "(b)"
Insert: "(c)"
Following: "under"
Strike: "subsection"
Insert: "subsections"
Following: "(9)(a)"
Insert: "and (9)(b)"

5. Page 4, line 23.

Strike: "$1,000"
Insert: "$500"
Strike: "$5,000"
Insert: "$1,500"

And, as amended, do pass. Report adopted.

SB 41, introduced bill, be amended as follows:

1. Page 2.
Following: line 7
Strike: "public nuisance"
Insert: "condition"

2. Page 2, lines 12 through 18.
Following: "condition" on line 12
Strike: remainder of line 12 through "nuisance" on line 18

And, as amended, do pass. Report adopted.

SB 57, introduced bill, be amended as follows:

1. Title, line 6.
Following: "TREASURY;"
Insert: "CLARIFYING THE TIME FOR EXECUTION AND RETURN OF A WRIT OF EXECUTION;"

2. Title, line 13.
Following: "7-4-2512,"
Insert: "25-13-402,"

3. Page 3.
Following: line 16
Insert: "Section 3. Section 25-13-402, MCA, is amended to read:

"25-13-402. How writ executed. The sheriff must execute the writ against the property of the judgment debtor no later than 60 days after receipt of the writ by levying on a sufficient amount of property, if there be sufficient, collecting or selling the things in action, and selling the other property and paying to the plaintiff or his attorney so much of the proceeds as will satisfy the judgment. Any excess in the proceeds over the judgment and accruing costs must be returned to the judgment debtor unless otherwise directed by the judgment or order of the court. When there is more property of the judgment debtor than is sufficient to satisfy the judgment and accruing costs within the view of the sheriff, he must levy only on such part of the property as the judgment debtor may indicate if the property indicated be amply sufficient to satisfy the judgment and costs.""
Renumber: subsequent sections

4. Page 13, line 2.
Strike: "10"
Insert: "11"

5. Page 13, line 4.
Strike: "10"
Insert: "11"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/14/87
SB 72, do pass. Report adopted.

Adverse Committee Report

STATE ADMINISTRATION (Haffey, Chairman) 1/13/87
SB 7, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Boylan, Farrell, Gage, Hammond, Harding, McCallum, Story, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Galt, Smith.
Total 2

MESSAGES FROM THE OTHER HOUSE

The House, on 1/13/87, failed to concur in Senate amendments to HB 1 and appointed a Free Conference Committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 1.

The Speaker appointed the following members:

Representative Donaldson
Representative Ramirez
Representative Williams

MOTIONS

Senator Blaylock moved that SB 82 be taken from the Committee on Legislative Administration and that it be rereferred to the Committee on State Administration. Motion carried unanimously.

Senator Farrell moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 7 this legislative day. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Farrell, Gage, Galt, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, Neuman, Severson, Smith, Story, Thayer, Tveit, Vaughn.
Total 20

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of Senator Bishop, and without objection, Senator Bishop's vote on reconsideration of adoption of the Adverse Committee Report on SB 7, be recorded as no.

Senator Halligan moved that SB 106 be taken from the Committee on Judiciary and that it be rereferred to the Committee on Highways and Transportation. Motion carried unanimously.

Senator Van Valkenburg moved that the Senate accede to the request of the House this day and that the President be authorized to appoint a Free Conference Committee to meet with a committee from the House to confer on Senate amendments to HB 1. Motion carried unanimously.

The President appointed the following members:

Senator Regan, Chairman
Senator Mazurek
Senator McCallum

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 98, introduced by Lynch, Vincent (By Request of the Legislative Council). Referred to Committee on State Administration.
SB 99, introduced by Galt, Himsl, Meyer, Beck, Lybeck, B. Williams, Blaylock, Yellowtail. Referred to Committee on Business and Industry.
SB 100, introduced by Abrams, Farrell, Tveit, Gilbert, Campbell (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SB 101, introduced by Abrams, Farrell, Tveit, Gilbert, Campbell (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SB 102, introduced by Story, Boylan, Galt. Referred to Committee on Judiciary.
SB 103, introduced by Hager, Harp. Referred to Committee on Labor and Employment Relations.
SB 104, introduced by Pinsoneault. Referred to Committee on Judiciary.
SB 105, introduced by Himsl, Norman, Hager, B. Brown, Meyer. Referred to Committee on Public Health, Welfare, and Safety.
SB 106, introduced by Halligan. Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Mazurek in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 26 - That SB 26 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 3 - That SJR 3 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Mazurek moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 11 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 21 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 29 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 32 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of President Norman, and without objection, President Norman's vote on SB 11, third reading this day, be recorded as yes.

SPECIAL ORDERS OF THE DAY

Senator Yellowtail advised the Senate that the Montana Historical Society is holding an awards ceremony this evening.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 2:45 p.m., January 15, 1987, at which time the Senate will hear the State of the Judiciary Address.

Motion carried unanimously.

Senate adjourned at 4:01 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TENTH LEGISLATIVE DAY

Helena, Montana
January 15, 1987

Senate Chambers
State Capitol

Senate convened at 2:45 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

MOTIONS

Senator Van Valkenburg moved that the President be empowered to appoint a committee of three to notify the House of Representatives that the Senate is ready to meet with them in joint session to receive the State of the Judiciary Address. Motion carried unanimously.

The President appointed Senators Mazurek, Halligan, and Bishop.

The committee was excused to perform its duty.

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair to await the report of the select committee. Motion carried unanimously.

The Senate recessed at 2:48 p.m.

The Senate reconvened at 2:51 p.m.

REPORTS OF SELECT COMMITTEES

The Sergeant-at-Arms announced the committee of three to notify the House of Representatives that the Senate was ready to meet with the House for the State of the Judiciary Address was at the door. Senators Mazurek, Halligan, and Bishop reported they had so informed the House.

The President thanked the committee, and the committee was discharged.

Senator Van Valkenburg moved that the Senate recess and proceed to the House of Representatives for the State of the Judiciary Address and that the Senate reconvene upon completion of the Address.

The Senate recessed at 2:52 p.m.

SPECIAL ORDERS OF THE DAY

Members of the Senate were admitted to the House.

The Legislature being in joint session, Speaker Marks gave the Chair to President Norman.

Senator Van Valkenburg moved that the body resolve itself into a joint session to receive the State of the Judiciary Address from the Honorable Supreme Court of the State of Montana. Motion carried unanimously.

Senator Van Valkenburg moved that the roll call of the joint session with the House of Representatives be dispensed with. Motion carried unanimously.

Senator Van Valkenburg moved that the President be authorized to appoint a committee of four to notify the Honorable Justices of the Supreme Court of the State of Montana that the Legislature is in joint session and ready to receive the State of the Judiciary Address. Motion carried unanimously.

The President appointed Senator Pinsoneault, Senator Crippen, Representative Mercer, and Representative Whalen. The committee was discharged to escort the Honorable Chief Justice and Honorable Justices to the House Chamber.

The committee escorted the members of the Supreme Court to the rostrum.

Pastor Olson gave the invocation.

President Norman introduced the Honorable Justices of the Supreme Court: the Honorable John C. Harrison, the Honorable L.C. Gulbrandson, the Honorable William Hunt, the Honorable John C. Sheehy, the Honorable Frank B. Morrison, the Honorable Frank L. Weber, and the Honorable Jean Turnage, Chief Justice of the Supreme Court.

The Honorable Chief Justice Turnage gave the following State of the Judiciary Address:

THE STATE OF THE JUDICIARY
by Honorable Jean A. Turnage
Chief Justice, Montana Supreme Court

Thank you Speaker Marks, President Norman, leaders of the Democratic and Republican Parties of the House and Senate, members and staff of the 50th Legislature, distinguished guests, ladies and gentlemen.

On only six previous occasions have Chief Justices of the Montana Supreme Court had the privilege to come before this Assembly to deliver a formal State of the Judiciary Address. On those occasions, as now, the Judiciary has both the opportunity and the challenge of presenting to Montanans a summary of the past biennium's work and the next biennium's challenges. I am pleased to be invited here to share with you an overview of Montana's judicial system.

The picture that we paint today is one of solid accomplishments and future challenges.

The accomplishments of the Judiciary in the past two years are many. This record of accomplishment could only have occurred with the cooperation and continued support that you have provided.

The work of the courts in the past two years has encompassed 1,242 appeals and petitions to the Supreme Court, more than 30,000 case filings in district courts, and literally hundreds of thousands of cases brought before our courts of limited jurisdiction. Added to this, is a tremendous amount of work handled by the Water Court in adjudicating water rights in Montana's 85 water basins.

While caseload in the courts is the heart of the Judiciary's work, there are many other activities that go on each year that both sustain and improve the operation of Montana's judicial system. Under the general supervision of the Supreme Court, nearly a dozen boards and commissions perform various functions that are essential to the administration of justice. These boards and commissions act much in the same way as your standing and interim committees; they are workhorses that review rules, ensure fair judicial standards and procedures, monitor uniform criminal sentencing, police professional conduct, examine applicants to the Montana Bar, and accomplish many other important tasks.

The work of these boards and commissions is done by legal and lay volunteers from around the State who give generously of their time and energy

to improve our judicial system. All Montanans owe these dedicated individuals a deep debt of gratitude.

In another area, the State Bar of Montana deserves praise for the dedication of its officers and 2,500 members who assist the Judiciary in areas such as law-related education, legal services to the poor, lawyer referral services, assistance to the Commission on Practice, and many other tasks important to our citizens. Most of these services are rendered without compensation as part of an attorney's obligation to the public.

In the past two years, the Judiciary has also been involved in a number of other areas of continued importance to the people of Montana. Because of your continued support we have been able to provide many hours of judicial education classes for district court judges and to send a number of them to the National Judicial College. Attendance at these seminars and courses is an extremely important element in keeping our judges educated, current, and motivated. Judicial education leads to confidence and efficiency in the courtroom and to long-term judicial improvements.

As many of you know, the Legislature has in recent years significantly expanded the jurisdiction, and therefore the responsibility, of justice courts. It has become more important than ever for the Commission on Courts of Limited Jurisdiction to conduct training classes for justices of the peace and city judges. The classes this year were attended by all of these justices and judges, and included comprehensive examinations on the final day of class. These classes are vital to keeping the limited jurisdiction courts informed, operating efficiently, and able to handle an increasingly complex caseload.

The Judiciary — like the other two branches of government — is not measured simply by a single biennium. It is measured by both where it has been and by where it is going.

Where have we been? As you know, caseloads in Montana have increased tremendously in past decades. The Supreme Court's filings went from 80 in 1960 to 194 filings in 1970. By the time the Court was expanded from five to seven members, the caseload had reached nearly 500 appeals per year. In 1986, the Supreme Court received a near-record number of appeals and petitions and wrote the largest number of opinions in the Court's history — 374.

District courts have seen a correspondingly high increase in their caseload over the same period of time. Approximately 13,000 cases were filed in district courts in Montana in 1960. In calendar year 1985 — the last full year for which statistics are available — more that 32,000 cases were filed in the State's 20 judicial districts.

The challenge of these last decades has been to deal with these rapidly increasing caseloads without unnecessary delay. With your help, I think we have done a reasonably good job — but we can all do better if given the tools and resources.

Now we turn to the question: "Where are we going?" There are a number of tasks and challenges that lay ahead. This legislative session you will consider a number of issues regarding the Judiciary. No more important issue is before you than that which determines the size of the Supreme Court. The Court was expanded in 1979 by the Legislature because a rational case was made that the caseload and the workload of the five-member Court required additional hands to chip away at a significant backlog and eventually to keep current.

The issue of the five-member versus the seven-member Court ultimately revolves around the maxim that justice delayed is justice denied. Delay in the final resolution of litigation is a concern to all Montanans, and a specific concern to the Judiciary. Delay results in added dollar costs to the taxpayer and to the litigants in the form of additional attorney fees and costs of litigation.

But there is another cost of delay that is not measurable in dollars alone. It is the cost of human stress. Anyone who is a party to a lawsuit lives under a cloud of mental and emotional strain until the matter is finally resolved.

Opinions of the Supreme Court cannot be disposed of on a crash basis. Care and thoughtful deliberation must be given to every Court opinion. To reduce the Supreme Court to five members would have the obvious result of increasing delay in the flow of final opinions by approximately 30 percent. I believe you would agree that this would be an unacceptable imposition on your constituents. Justice delayed clearly results in justice denied.

The case that was presented to the Legislature in 1979 is still a good one. To move back to a five-member Court would be literally a move backwards. We cannot reasonably be asked to do more — much more — with less.

A number of other important issues will be before you during this legislative session relating to the Judiciary. I would like to draw your attention to several that I think deserve special attention.

Judges' salaries is an issue that has been before several legislative sessions. The issue keeps coming before you because Montana's judicial salaries are the lowest in the entire country. It is generally recognized that competitive salaries, or other forms of compensation, are an important factor in attracting well-qualified job applicants. This conventional wisdom is true not only in the world at large, but also for those who choose to offer their services for judicial positions.

Montana has been blessed by many fine judges who have been willing to serve their State for a level of compensation significantly below the national average. The dedication of these judges is commendable, but we must move as quickly as possible to raise the pay of judges. This is necessary to keep the high level of judges that we now have and to attract the best and brightest judges in the future.

In a related issue, you will be examining a bill this session dealing with judicial retirement. Under current law, the Judges' Retirement System contains a provision that provides very little incentive to judges with more that 15 years service to continue a judicial career. The State of Montana has invested greatly in the education, wisdom, and talent of these veteran judges. We can ill afford not to consider some minor amendments in the Judges' Retirement System aimed at encouraging experienced judges to remain on the bench.

Another piece of legislation that deserves your attention is one that imposes a $100 fee whenever an attorney calls for the substitution of a judge. This bill aims at recovering some of the costs involved when substitutions occur. The fee also would discourage frivolous substitutions which in many rural areas in our state may result in thousands of extra miles driven by judges and lost time behind the wheel of a car — not to mention the inevitable delay in the litigation calendars of all judges involved.

There are many other challenges that the Judiciary faces in the next biennium for which there is little time to talk of here today. In the years

ahead, the Judiciary will be involved in developing better monitoring methods for identifying and reducing court delay and enhancing information systems to better identify problem areas and provide management alternatives. We also need to keep abreast of technological advances in other parts of the country that may be helpful in Montana.

I would like to talk with you for a couple of minutes about the budget for the Judiciary. I know that much of your business in the remaining days will be devoted to balancing revenues and expenditures. I also know that the balancing act will be difficult and painful.

With respect to the Judiciary, you can be assured that we will cooperate with you in making every reasonable effort we can to run an efficient, cost-effective operation. The budget proposal for operating the Judiciary in the next biennium is one that I believe is reasonable and necessary — and sensitive to current revenue difficulties. We have proposed a small amount of increased support in two areas that have experienced significant workload increases in the past five years — the Board of Bar Examiners and the Commission on Practice.

We also ask you to give careful consideration to the budget request for both the Water Court and the Law Library. The work of the Water Court is enormously important to all of your constituents. The Water Court deserves your support as it systematically adjudicates water rights in the various water basins of our State. Likewise, the Law Library is an important research and reference resource for the entire State — and for the Legislature itself. The State Law Librarian has done a fine job in building a collection of which we all can be proud. I urge your continued support for this program.

We know money is tight, but we ask that you keep in mind that the court system in our State is an essential function of government. Under the Montana Constitution, the administration of justice is mandatory — not discretionary. And while the Constitution requires fair administration of justice, the people demand it. Each year the citizens of our great State bring many thousands of cases before the courts. While these cases are varied — from the very simple to the extremely complex — all Montanans expect that the court system will hear their cases in an equitable manner without unnecessary delay.

The court system in Montana must be adequately and reasonably funded. The reduced level of funding in the last two years cannot realistically be sustained if you expect to also maintain a healthy court system as a vital element in the governmental structure that protects the liberty, justice, and freedom that all Montanans deserve.

Finally, I would like to conclude by thanking you for the opportunity to give an overview of our court system. George Washington once said, "The administration of justice is the firmest pillar of government." Repeating Washington's words in this great chamber may be somewhat dangerous, but let me assure you all that the Judiciary recognizes that each branch of government shares a role in a partnership that requires patience and understanding as we shape and administer our laws and ultimately provide for an ordered, civilized community.

Thank you for inviting the Court to share our common concerns.

Pastor Olson gave the benediction.

Senator Van Valkenburg moved that the joint session of the 50th Legislature be adjourned. Motion carried unanimously.

Senate reconvened at 3:34 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/15/87
Correctly printed and placed on the members' desks: SB 40, SB 41, SB 57, SB 72, SB 78, SB 80, SB 83.
Correctly engrossed: SB 26, SJR 3.

Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 1/14/87
SB 18, do pass. Report adopted.
SJR 1, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/15/87
HB 11, be concurred in. Report adopted.
HB 27, be concurred in. Report adopted.
HB 63, be concurred in. Report adopted.

Adverse Committee Report

STATE ADMINISTRATION (Haffey, Chairman) 1/14/87
SB 67, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Galt, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Boylan, Crippen, Gage, Hammond, Harding, Hofman, Keating, McCallum, Severson, Smith, Story, Thayer, Vaughn.
Total 13

Excused: None.
Total 0

Absent or not voting: Kolstad.
Total 1

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 1
Report No. 1, January 15, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 1, met and considered:

Senate amendment to House Bill No. 1.

We recommend as follows:

That House Bill No. 1, reference copy, be amended as follows:

1. Page 2.
Following: line 2
Insert: "Revenue Oversight Tax Consultant $18,000"

And that this Free Conference Committee Report be adopted.

For the Senate: For the House:

Mazurek
McCallum
Donaldson
Ramirez
Williams

MOTIONS

Senator Halligan moved that SB 40 be taken from second reading on the 11th legislative day and that it be rereferred to the Committee on Judiciary. Motion carried unanimously.

Senator Story moved that SB 102 be taken from the Committee on Judiciary and that it be rereferred to the Committee on Agriculture, Livestock, and Irrigation. Motion carried unanimously.

Senator Walker moved that SB 93 be taken from Local Government and that it be rereferred to the Committee on State Administration. Motion carried unanimously.

Senator Van Valkenburg moved to temporarily suspend the temporary rules to print, place on members' desks, and place on second reading this legislative day the Free Conference Committee Report on HB 1. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 107, introduced by Farrell. Referred to Committee on Fish and Game.
SB 108, introduced by Bishop. Referred to Committee on Judiciary.
SB 109, introduced by Bishop, Whalen, Moore, E. Smith. Referred to Committee on Fish and Game.
SB 110, introduced by Thayer, Harper, Simon, Rasmussen, Van Valkenburg, Mazurek, C. Smith, Crippen, Vincent. Referred to Committee on Business and Industry.
SB 111, introduced by Halligan, Harp, Wallin, M. Williams, Jacobson, Eck, Gould, Gilbert, Bulger, Sands, Regan, Schye, Hager. Referred to Committee on Public Health, Welfare, and Safety.
SB 112, introduced by Mazurek (By Request of the Department of Administration). Referred to Committee on Judiciary.
SB 113, introduced by Gage. Referred to Committee on State Administration.
SB 114, introduced by Thayer, Compton (By Request of the Secretary of State). Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Hager in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 47 - That SB 47 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 59 - That SB 59 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Williams.
Total 36

Noes: Abrams, Haffey, Hirsch, Jergeson, Lybeck, Manning, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Halligan.
Total 1

HB 1 - That the Free Conference Committee Report on HB 1 be adopted. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Harding, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, Pinsoneault, Regan, Smith, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Anderson, Beck, Boylan, Gage, Galt, Hammond, Himsl, Hirsch, Hofman, Jacobson, Kolstad, McLane, Meyer, Neuman, Rasmussen, Severson, Stimatz, Story, Thayer, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Halligan.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hager moved the adoption of the committee report. Report adopted.

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved to temporarily suspend the temporary rules to place HB 1 on third reading this legislative day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: Rasmussen.
Total 1

Excused: None.
Total 0

Absent or not voting: Halligan, Mr. President.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 35 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Halligan.
Total 1

HB 1, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Harding, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Regan, Severson, Smith, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Anderson, Beck, Boylan, Gage, Galt, Hammond, Himsl, Hirsch, Hofman, Jacobson, Kolstad, McLane, Meyer, Pinsoneault, Rasmussen, Stimatz, Story, Thayer, Van Valkenburg.
Total 20

Excused: None.
Total 0

Absent or not voting: Halligan.
Total 1

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 16, 1987.

Motion carried unanimously.

Senate adjourned at 4:45 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

ELEVENTH LEGISLATIVE DAY

Helena, Montana
January 16, 1987

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

President Bill Norman asked that the Sergeant-at-Arms and Senators Lybeck and Brown escort the Teacher of the Year, Mary Moe, and Superintendent of the Office of Public Instruction, Ed Argenbright, to the rostrum where they both spoke to members of the Senate.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/16/87
Correctly printed and placed on the members' desks: SB 18, SJR 1.
Considered correctly engrossed: SB 47, SB 59.
Signed by the President at 2:00 p.m., 1/15/87: HJR 4.
Signed by the President at 11:40 a.m., 1/16/87: HB 1.

Report adopted.

TAXATION (McCallum, Chairman) 1/15/87
SB 1, introduced bill, be amended as follows:

1. Page 3, lines 22 and 23.
Following: ";" on line 22
Strike: "one"
Insert: "two"
Following: "Montana"
Strike: "resident, residing in the area impacted by the plant"
Insert: "coal board members"

2. Page 3, line 24.
Following: "Montana"
Insert: ", one of whom resides in the area impacted by the plant, if possible, or in another coal impact area of the state"

3. Page 4, lines 1 and 2.
Following: ";" on line 1
Strike: remainder of line 1 through "council;" on line 2

And, as amended, do pass. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 115, introduced by Gage. Referred to Committee on Business and Industry.
SB 116, introduced by Farrell. Referred to Committee on Highways and Transportation.
SB 117, introduced by Halligan. Referred to Committee on Business and Industry.
SB 118, introduced by Halligan (By Request of the Department of Labor). Referred to Committee on Labor and Employment Relations.

SB 119, introduced by Weeding, Halligan. Referred to Committee on Judiciary.

SB 120, introduced by Regan, Himsl. Referred to Committee on Public Health, Welfare, and Safety.

SB 121, introduced by B. Brown, Bishop, Meyer, Keating, Swift, Beck, Himsl, Jergeson, Severson, Lynch, E. Smith, Yellowtail, Galt, Van Valkenburg, Crippen, Aklestad, Walker, Neuman, Blaylock, Story, Brandewie, Thayer, Rasmussen, Gilbert, Thoft, Farrell, Hager, Harp, Harding, Menke, Lybeck, Thomas, Moore, McLane, Grady. Referred to Committee on Judiciary.

SB 122, introduced by Crippen, B. Brown, Mazurek, Kolstad (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SB 123, introduced by Harding, Vaughn. Referred to Committee on State Administration.

SB 124, introduced by Harding. Referred to Committee on State Administration.

SB 125, introduced by Harding, Vaughn. Referred to Committee on State Administration.

SB 126, introduced by Walker, Lybeck, Beck, Halligan, Manuel, Keenan, Poulsen, Manning, B. Brown, Meyer, Strizich, Driscoll, Schye. Referred to Committee on Public Health, Welfare, and Safety.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Yellowtail in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 41 - Senator Pinsoneault moved that SB 41 do pass. Motion failed as follows:

Ayes: Beck, Brown, Eck, Galt, Haffey, Halligan, Harding, Hirsch, Hofman, Keating, Lynch, Pinsoneault, Rasmussen, Regan, Thayer, Vaughn, Mr. President.
Total 17

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Farrell, Gage, Hager, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Severson, Smith, Story, Tveit, Van Valkenburg, Walker, Weeding.
Total 27

Excused: None.
Total 0

Absent or not voting: Hammond, Kolstad, Neuman, Stimatz, Williams, Yellowtail.
Total 6

Senator Farrell moved that SB 41 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Weeding, Mr. President.

Total 33

Noes: Beck, Eck, Haffey, Halligan, Hirsch, Lynch, Manning, Pinsoneault, Rasmussen, Regan, Vaughn, Walker, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: Hammond, Neuman, Stimatz, Williams.
Total 4

SB 68 - Senator Gage moved that SB 68 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 4 - Senator Keating moved that SJR 4 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 39

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Himsl, Neuman, Regan, Severson, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Yellowtail moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Himsl, Neuman.
Total 3

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SJR 3 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., January 17, 1987.

Motion carried.

Senate adjourned at 3:57 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWELFTH LEGISLATIVE DAY

Helena, Montana
January 17, 1987

Senate Chambers
State Capitol

Senate convened at 9:01 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/17/87
Correctly printed and placed on the members' desks: SB 1.
Considered correctly engrossed: SB 68, SJR 4.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/16/87
HB 34, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 1/17/87
Recommend that at the close of business January 17, 1987, employment of the following be terminated:

Sonya Wendt ..... Page
Cindy Brown ..... Page
Andrew Oakey ..... Page
Jennifer Nelson ..... Page
Robert Wade ..... Page
Helen Taffs ..... Page
Sarah Burgess ..... Page

Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/16/87
HB 50, be concurred in. Report adopted.

Adverse Committee Report

LOCAL GOVERNMENT (Crippen, Chairman) 1/15/87
SB 63, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 39

Noes: Boylan, Gage, Hammond, Harding, Himsl, Kolstad, Story, Thayer, Tveit, Weeding, Yellowtail.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

The Honorable Bill Norman, President January 15, 1987

Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Norman:

I respectfully submit for confirmation by the Montana State Senate, my appointment of Mr. Russell K. Fillner, Billings, Montana 59101, to fill the judicial vacancy in the thirteenth judicial district pursuant to sections 3-1-1013 and 3-1-1014, MCA. Judge Fillner is appointed to serve until he or his successor is duly elected and qualified in accordance with the laws of Montana.

Sincerely,

Ted Schwinden
Governor

The Honorable Bill Norman, President January 15, 1987
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Norman:

I respectfully submit for confirmation by the Montana State Senate, my appointment of Mr. Robert J. Robinson as the administrator of the Workers' Compensation Division of the Department of Labor and Industry pursuant to sections 2-15-111 and 2-15-1702, MCA. Mr. Robinson is appointed to serve at the pleasure of the Governor.

Sincerely,

Ted Schwinden
Governor

The Honorable Bill Norman, President January 15, 1987
Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Norman:

I respectfully submit for confirmation by the Montana State Senate, the attached list of appointments.

Sincerely,

Ted Schwinden
Governor

As members of the BOARD OF ARCHITECTS in accordance with Section No. 2-15-1871, MCA.

Mr. Robert Utzinger, Bozeman, Montana 59715, reappointed for a term ending 3/27/89.

Mr. Michael A. Walker, Great Falls, Montana 59404, appointed for a term ending 7/1/89.

As members of the MONTANA ARTS COUNCIL in accordance with Section No. 2-15-1513 and Title 22, Chapter 2, MCA.

Mr. James D. Kriley, Missoula, Montana 59812, appointed for a term ending 2/1/88.

Mr. Larry Pirnie, Missoula, Montana 59802, appointed for a term ending 2/1/88.

As members of the BOARD OF ATHLETICS in accordance with Section No. 2-15-1882, MCA.

Mr. Gene B. Daly, Helena, Montana 59601, reappointed for a term ending 4/25/89.

Dr. John R. Halseth, Great Falls, Montana 59404, reappointed for a term ending 4/25/89.

Mr. John M. Svaldi, Butte, Montana 59701, reappointed for a term ending 4/25/89.

As members of the STATE BANKING BOARD in accordance with Section No. 2-15-1803, MCA.

Mr. Willis M. McKeon, Malta, Montana 59538, appointed for a term ending 7/1/89.

Mr. Michael J. Milodragovich, Missoula, Montana 59801, appointed for a term ending 7/1/88.

Mr. Thomas W. Scott, Billings, Montana 59116, appointed for a term ending 7/1/89.

Mr. John C. Witte, Poplar, Montana 59255, reappointed for a term ending 7/1/88.

As members of the BOARD OF BARBERS in accordance with Section No. 2-15-1856, MCA.

Ms. June D. Baker, Miles City, Montana 59301, appointed for a term ending 10/7/87.

Mr. Lawrence M. Sandretto, Red Lodge, Montana 59068, reappointed for a term ending 7/1/89.

Mr. Eugene J. Thomas, Anaconda, Montana 59711, reappointed for a term ending 7/1/88.

As members of the BOARD OF CHIROPRACTORS in accordance with Section No. 2-15-1847, MCA.

Dr. W. Pat Pardis, Shelby, Montana 59474, reappointed for a term ending 1/9/89.

As members of the BOARD OF COSMETOLOGISTS in accordance with Section No. 2-15-1857, MCA.

Mr. David Blanco, Billings, Montana 59102, appointed for a term ending 7/1/89.

Ms. Janice Lane Huffman, Billings, Montana 59102, appointed for a term ending 7/1/89.

As members of the BOARD OF COUNTY PRINTING in accordance with Section No. 2-15-1811, MCA.

Mr. Larry C. Bowler, Scobey, Montana 59263, reappointed for a term ending 4/1/87.

Mr. Everett C. Elliott, Conrad, Montana 59425, reappointed for a term ending 4/1/87.

Mr. Ronald D. Lytle, Hardin, Montana 59034, reappointed for a term ending 4/1/87.

Mr. Dan L. Rieder, Bozeman, Montana 59715, reappointed for a term ending 4/1/87.

Mr. Merle Thorstad, Lloyd, Montana 59535, reappointed for a term ending 4/1/87.

As members of the BOARD OF DENTISTRY in accordance with Section No. 2-15-1842, MCA.

Dr. Robert B. Cotner, Columbia Falls, Montana 59912, appointed for a term ending 3/29/91.

Mr. Stan Rogers, Billings, Montana 59101, reappointed for a term ending 1/4/92.

As members of the BOARD OF DENTURITRY in accordance with Section No. 2-15-1855, MCA.

Dr. Gayle A. Roset, Billings, Montana 59102, appointed for a term ending 1/11/89.

As members of the STATE ELECTRICAL BOARD in accordance with Section No. 2-15-1874, MCA.

Mr. James A. Lewis, Helena, Montana 59601, reappointed for a term ending 7/1/91.

Mr. Charles T. Sweet, Kalispell, Montana 59901, appointed for a term ending 7/1/90.

As members of the BOARD OF HAIL INSURANCE in accordance with Section No. 2-15-3003, MCA.

Mr. Gary L. Dyer, Brady, Montana 59416, appointed for a term ending 4/18/88.

Mr. Troy Martin, Winifred, Montana 59489, reappointed for a term ending 4/18/89.

As members of the HARD-ROCK MINING IMPACT BOARD in accordance with Section No. 2-15-1822, MCA.

Mr. Edwin H. Jasmin, Helena, Montana 59601, appointed for a term ending 1/2/89.

As members of the BOARD OF HEALTH AND ENVIRONMENTAL SCIENCES in accordance with Section No. 2-15-2104, MCA.

Dr. Daniel R. Fiehrer, Helena, Montana 59601, appointed for a term ending 1/2/89.

As members of the BOARD OF HEARING AID DISPENSERS in accordance with Section No. 2-15-1850, MCA.

Mr. Dudley A. Anderson, Missoula, Montana 59801, reappointed for a term ending 7/1/88.

Ms. Lee E. Micken, Bozeman, Montana 59715, appointed for a term ending 7/1/89.

Dr. William J. Simic, Helena, Montana 59601, reappointed for a term ending 7/1/88.

As members of the BOARD OF TRUSTEES OF THE STATE HISTORICAL SOCIETY in accordance with Section No. 2-15-1512 and 22-3-104, MCA.

Mr. Bruce L. Ennis, Billings, Montana 59102, reappointed for a term ending 7/1/91.

Mr. Leif Erickson, Big Fork, Montana 59911, reappointed for a term ending 7/1/91.

Mr. Loran A. Perry, Fort Benton, Montana 59442, appointed for a term ending 7/1/90.

Mr. James W. Reger, Billings, Montana 59103, reappointed for a term ending 7/1/90.

Mr. J. Robert Sletten, Great Falls, Montana 59403, appointed for a term ending 7/1/90.

Mr. Harold G. Stearns, Helena, Montana 59601, reappointed for a term ending 7/1/91.

As members of the BOARD OF HORSERACING in accordance with Section No. 2-15-1881, MCA.

Mr. Harold E. Gerke, Billings, Montana 59101, appointed for a term ending 1/20/89.

Mr. John M. Trippe, Seeley Lake, Montana 59868, appointed for a term ending 1/20/89.

As members of the BOARD OF HOUSING in accordance with Section No. 2-15-1814, MCA.

Mr. George W. Swords III, Billings, Montana 59101, appointed for a term ending 1/2/89.

As members of the BOARD OF LABOR APPEALS in accordance with Section No. 2-15-1704, MCA.

Mr. James P. Reardon, East Helena, Montana 59635, appointed for a term ending 1/1/91.

Mr. Joseph E. Thares, Helena, Montana 59601, appointed for a term ending 1/2/89.

As members of the BOARD OF LANDSCAPE ARCHITECTS in accordance with Section No. 2-15-1872, MCA.

Ms. Sandra K. Fischer, Billings, Montana 59101, reappointed for a term ending 7/1/89.

Mr. Richard K. Pohl, Bozeman, Montana 59715, reappointed for a term ending 7/1/89.

Mr. Patrick A. Thomas, Kalispell, Montana 59901, appointed for a term ending 7/1/90.

Ms. Valerie A. Tooley, Billings, Montana 59101, appointed for a term ending 7/1/90.

As members of the BOARD OF MEDICAL EXAMINERS in accordance with Section No. 2-15-1841, MCA.

Dr. F.M. Alvarez, Helena, Montana 59601, appointed for a term ending 9/1/89.

Dr. E.E. Bertagnolli, Three Forks, Montana 59752, reappointed for a term ending 9/1/90.

Mr. Thomas D. Booth, Havre, Montana 59501, appointed for a term ending 9/1/90.

Dr. Maurice P. Hamill, Helena, Montana 59601, reappointed for a term ending 9/1/90.

Dr. John R. Jacobson, Butte, Montana 59701, appointed for a term ending 9/1/87.

Ms. Katherine G. Kleinkopf, Missoula, Montana 59801, appointed for a term ending 9/1/89.

Mr. Jerome M. Kohn, Billings, Montana 59103, reappointed for a term ending 9/1/89.

As members of the MILK CONTROL BOARD in accordance with Section No. 2-15-1802, MCA.

Ms. Norma E. Happ, Kalispell, Montana 59901, reappointed for a term ending 1/2/89.

As members of the MONTANA ECONOMIC DEVELOPMENT BOARD in accordance with Section No. 2-15-1805, MCA.

Ms. Patrice B. LaTourelle, Whitefish, Montana 59937, appointed for a term ending 1/2/89.

As members of the MONTANA HEALTH FACILITY AUTHORITY in accordance with Section No. 2-15-1815, MCA.

Mr. Sidney K. Brubaker, Terry, Montana 59349, appointed for a term ending 6/30/88.

Dr. Amos R. Little, Helena, Montana 59601, appointed for a term ending 6/30/89.

Dr. Garry E. Pitts, Billings, Montana 59102, appointed for a term ending 6/30/90.

Mr. Charles V. Shewey, Bozeman, Montana 59715, appointed for a term ending 6/30/89.

As members of the MONTANA SCIENCE AND TECHNOLOGY DEVELOPMENT BOARD in accordance with Section No. 2-15-1810, MCA.

Mr. Lloyd Allen, Billings, Montana 59101, appointed for a term ending 1/7/89.

Mr. R. Stephen Browning, Helena, Montana 59624, appointed for a term ending 1/7/89.

Mr. Richard C. Conover, Bozeman, Montana 59715, appointed for a term ending 1/7/89.

Mr. Russell H. Hudson, Libby, Montana 59923, appointed for a term ending 1/7/89.

Dr. James Koch, Missoula, Montana 59812, appointed for a term ending 1/2/89.

Mr. Jon Marchi, Polson, Montana 59860, appointed for a term ending 1/7/89.

Dr. William J. Tietz, Bozeman, Montana 59715, appointed for a term ending 1/7/89.

As members of the BOARD OF MORTICIANS in accordance with Section No. 2-15-1853, MCA.

Mr. William B. Brown, Billings, Montana 59103, appointed for a term ending 7/1/90.

Mr. Guy W. Miser, Fort Benton, Montana 59442, appointed for a term ending 7/1/89.

As members of the BOARD OF NATURAL RESOURCES AND CONSERVATION in accordance with Section No. 2-15-3302, MCA.

Mr. Giles W. Gregoire, Havre, Montana 59501, appointed for a term ending 1/1/89.

As members of the BOARD OF NURSING HOME ADMINISTRATORS in accordance with Section No. 2-15-1845, MCA.

Ms. Dorothy A. Bompart, Clancy, Montana 59634, appointed for a term ending 5/28/91.

Mr. John H. Johnson, Harlowton, Montana 59036, appointed for a term ending 5/28/90.

Ms. Linda M. Smith, Missoula, Montana 59801, appointed for a term ending 5/28/87.

As members of the BOARD OF NURSING in accordance with Section No. 2-15-1844, MCA.

Ms. Janice Anderson, Boulder, Montana 59632, reappointed for a term ending 7/1/90.

Ms. June E. Holmes, Harlowton, Montana 59036, appointed for a term ending 7/1/90.

Ms. Donna J. Schramm, Billings, Montana 59101, appointed for a term ending 7/1/89.

Ms. Naomi E. Summers, Whitefish, Montana 59937, reappointed for a term ending 7/1/90.

Mr. William W. Thackeray, Havre, Montana 59501, reappointed for a term ending 7/1/90.

As members of the BOARD OF OCCUPATIONAL THERAPY PRACTICE in accordance with Section No. 2-15-1859, MCA.

Ms. Debra J. Ammondson, Great Falls, Montana 59405, appointed for a term ending 12/31/87.

Ms. Julia A. Borgreen, Great Falls, Montana 59405, appointed for a term ending 12/31/89.

Ms. Connie L. Grenz, Boulder, Montana 59632, reappointed for a term ending 12/21/90.

Ms. Leigh Ann Rosemore, Plentywood, Montana 59254, appointed for a term ending 12/31/88.

Ms. Diane L. Witt, Belgrade, Montana 59714, reappointed for a term ending 12/31/90.

As members of the BOARD OF PHARMACY in accordance with Section No. 2-15-1843, MCA.

Mr. D. Wayne Bollinger, Kalispell, Montana 59901, reappointed for a term ending 7/1/91.

Mr. Anthony J. Francisco, Townsend, Montana 59644, reappointed for a term ending 7/1/90.

As members of the BOARD OF PHYSICAL THERAPY EXAMINERS in accordance with Section No. 2-15-1858, MCA.

Ms. Barbara Reed, Butte, Montana 59701, appointed for a term ending 7/1/88.

Mr. Lorin R. Wright, Red Lodge, Montana 59068, appointed for a term ending 7/1/89.

As members of the BOARD OF PLUMBERS in accordance with Section No. 2-15-1875, MCA.

Mr. William A. Lindsay, Helena, Montana 59601, appointed for a term ending 7/1/87.

Mr. Monty F. Patterson, Billings, Montana 59107, reappointed for a term ending 5/4/90.

Mr. Kastor Simensen, Wolf Point, Montana 59201, reappointed for a term ending 5/4/90.

Mr. William R. Tooley Jr., Billings, Montana 59101, reappointed for a term ending 5/4/89.

As the COMMISSIONER OF POLITICAL PRACTICES in accordance with Section No. 13-37-102, MCA.

Ms. Dolores Colburg, Helena, Montana 59624, appointed for a term ending 1/1/93.

As members of the BOARD OF PRIVATE SECURITY PATROLMEN AND INVESTIGATORS in accordance with Section No. 2-15-1891, MCA.

Mr. David J. Collings, Deer Lodge, Montana 59722, reappointed for a term ending 8/1/88.

Ms. Mary G. Luntsford, Kalispell, Montana 59901, appointed for a term ending 8/1/89.

Mr. David E. McAllister, Victor, Montana 59875, reappointed for a term ending 8/1/89.

Mr. Al Murphy, Missoula, Montana 59802, reappointed for a term ending 8/1/88.

Mr. Thomas J. O'Brien, Billings, Montana 59103, reappointed for a term ending 8/1/88.

As members of the BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS in accordance with Section No. 2-15-1873, MCA.

Mr. Louis Fontana, Great Falls, Montana 59401, reappointed for a term ending 7/1/90.

Mr. James B. Spring, Billings, Montana 59102, reappointed for a term ending 7/1/90.

As members of the BOARD OF PSYCHOLOGISTS in accordance with Section No. 2-15-1851, MCA.

Dr. William P. Bredehoft, Billings, Montana 59102, appointed for a term ending 9/1/88.

Dr. Richard Emery, Helena, Montana 59601, appointed for a term ending 9/1/89.

Ms. Brenda K. Schye, Glasgow, Montana 59230, appointed for a term ending 9/1/89.

As members of the BOARD OF PUBLIC ACCOUNTANTS in accordance with Section No. 2-15-1866, MCA.

Ms. Karen McNeal Booker, Helena, Montana 59624, appointed for a term ending 7/1/89.

Mr. Clinton J. Frazee, Bozeman, Montana 59715, reappointed for a term ending 7/1/88.

Mr. Joseph W. Upshaw, Helena, Montana 59601, appointed for a term ending 7/1/88.

As members of the BOARD OF PUBLIC EDUCATION in accordance with Section No. 2-15-1507 and 2-15-1508, MCA.

Mr. Bill Thomas, Great Falls, Montana 59405, reappointed for a term ending 2/1/93.

As members of the BOARD OF RADIOLOGIC TECHNOLOGISTS in accordance with Section No. 2-15-1848, MCA.

Ms. Carole Angland, Great Falls, Montana 59405, appointed for a term ending 7/1/89.

Dr. Donald E. Bosshardt, Whitefish, Montana 59937, appointed for a term ending 7/1/87.

Mr. Adrian C. Howe, Helena, Montana 59620, reappointed for a term ending 7/1/88.

Mr. Dail F. Lodge, Bozeman, Montana 59715, reappointed for a term ending 7/1/89.

As members of the BOARD OF REALTY REGULATION in accordance with Section No. 2-15-1867, MCA.

Ms. B. Helen Garrick, Missoula, Montana 59803, appointed for a term ending 5/9/89.

Ms. Marjorie W. King, Winnett, Montana 59087, appointed for a term ending 5/9/90.

As members of the BOARD OF REGENTS OF HIGHER EDUCATION in accordance with Section No. 2-15-1505 and 2-15-1508, MCA.

Mr. Scott Lee Birkenbuel, Bozeman, Montana 59715, appointed for a term ending 6/10/87.

Mr. Burt L. Hurwitz, White Sulphur Springs, Montana 59645, reappointed for a term ending 2/1/93.

Mr. James K. Kaze, Havre, Montana 59501, appointed for a term ending 2/1/92.

As members of the BOARD OF SANITARIANS in accordance with Section No. 2-15-1861, MCA.

Mr. Samuel R. Kalafat, Black Eagle, Montana 59414, reappointed for a term ending 7/1/89.

Mr. James M. Peterson, Helena, Montana 59601, reappointed for a term ending 7/1/88.

As members of the BOARD OF SOCIAL WORK EXAMINERS AND PROFESSIONAL COUNSELORS in accordance with Section No. 2-15-1854, MCA.

Reverend Anthony Gregori, Black Eagle, Montana 59424, appointed for a term ending 1/2/89.

Mr. Ray M. Lappin, Deer Lodge, Montana 59722, appointed for a term ending 1/2/89.

As members of the BOARD OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS in accordance with Section No. 2-15-1849, MCA.

Mr. Gene W. Bukowski, Billings, Montana 59102, appointed for a term ending 12/31/89.

Mr. Frank Gary, Butte, Montana 59701, appointed for a term ending 12/31/89.

Mr. Floyd J. McDowell, Great Falls, Montana 59401, reappointed for a term ending 12/31/88.

As members of the BOARD OF VETERANS' AFFAIRS in accordance with Section No. 2-15-1205, MCA.

Mr. Robert A. Durkee, Helena, Montana 59601, appointed for a term ending 5/18/91.

Mr. John L. Gallagher, Havre, Montana 59501, appointed for a term ending 5/18/90.

As members of the BOARD OF VETERINARY MEDICINE in accordance with Section No. 2-15-1852, MCA.

Dr. James N. Brogger, Ronan, Montana 59864, appointed for a term ending 7/31/90.

Mr. Douglas Delaney, Lewistown, Montana 59457, reappointed for a term ending 7/31/90.

Dr. Anne Johnson, Malta, Montana 59538, appointed for a term ending 7/31/88.

Dr. William Daniel McFarland, Fort Benton, Montana 59442, reappointed for a term ending 7/31/91.

As members of the BOARD OF WATER WELL CONTRACTORS in accordance with Section No. 2-15-3307, MCA.

Mr. W. J. Lindsay, Clancy, Montana 59634, reappointed for a term ending 7/1/88.

Mr. William F. Osborne, Kalispell, Montana 59901, reappointed for a term ending 7/1/89.

MOTIONS

Senator Brown moved that the following names be added to the list of sponsors of SB 52: Miles, Halligan, Gilbert. Motion carried.

Senator Van Valkenburg moved that the nominees submitted by the Governor this day be referred to the Committee on State Administration for further consideration. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 127, introduced by Hammond, Regan, Pinsoneault. Referred to Committee on Education and Cultural Resources.
SB 129, introduced by Manning, Pavlovich, Nisbet, Strizich. Referred to Committee on Taxation.
SB 130, introduced by Manning, Pavlovich (By Request of the Board of Horseracing). Referred to Committee on Business and Industry.
SB 131, introduced by Manning, Pavlovich, Nisbet, Strizich. Referred to Committee on State Administration.
SB 132, introduced by Boylan, Peterson, Gage, Campbell, Hayne. Referred to Committee on State Administration.
SB 133, introduced by Bishop. Referred to Committee on Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Harding in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 57 - Senator Halligan moved that SB 57 do pass. Senator Beck made a substitute motion that SB 57 be moved to the bottom of the board. Substitute motion carried.

SB 72 - Senator Himsl moved that SB 72 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 78 - Senator Haffey moved that SB 78 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 80 - Senator Mazurek moved that SB 80 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 83 - Senator Mazurek moved that SB 83 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 57 - Senator Halligan moved that SB 57 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Harding moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 47 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Bishop, McCallum.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 59 passed as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Williams, Mr. President.
Total 37

Noes: Abrams, Aklestad, Farrell, Hirsch, Jergeson, Lybeck, Manning, Regan, Severson, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 19, 1987.

Motion carried.

Senate adjourned at 9:49 a.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRTEENTH LEGISLATIVE DAY

Helena, Montana
January 19, 1987

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/19/87
Considered correctly engrossed: SB 57, SB 72, SB 78, SB 80, SB 83.

Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 1/19/87
Recommend that at the beginning of business January 19, 1987, the following be employed:

Lavurn Gagnon ..... Page
Nada Glass ..... Page
Kelly Clark ..... Page
Erica Cantrell ..... Page
Julie King ..... Page
Jennifer Morris ..... Page
Dana Conklin ..... Page
Kimberly Yellowtail ..... Page

Report adopted.

NATURAL RESOURCES (Keating, Chairman) 1/16/87
SB 85, introduced bill, be amended as follows:

1. Page 6, lines 7 through 10.
Strike: section 5 in its entirety
Renumber: subsequent sections

Committee adopted the following statement of intent:

Statement of Intent
SB 85

A statement of intent is provided for this bill in order to describe the need for a statutory appropriation and deletion of current reporting requirements. In the absence of a statutory appropriation authorizing the board of oil and gas conservation to accept and expend funds received from bonds for the proper plugging of abandoned or dry wells, the board must receive separate authorization for this purpose each biennium through the appropriation process. As a result, the board is unable to correct problems resulting from improperly plugged wells for up to 2 years or until it receives authorization to expend the necessary funds received from forfeited bonds.

The board of oil and gas conservation is removed from receiving statements of crude petroleum and natural gas produced and marketed in the state in order to avoid duplicative reporting requirements.

The department of revenue is authorized to adopt administrative rules concerning the administration and collection of the privilege and license tax, including the time for payment and the period covered by payment. The administration and collection of the tax should be similar to the administration and collection of the oil and gas severance tax.

And, as amended, do pass. Report adopted.

Adverse Committee Report

JUDICIARY (Mazurek, Chairman) 1/16/87

SB 33, introduced bill, be amended as follows:

1. Title.
Following: line 4
Strike: "AND SERVICE TO AN ESTABLISHMENT OR THE COMMUNITY"

2. Page 3, line 10.
Following: "(6)"
Strike: "(a)"

3. Page 3, lines 16 through 24.
Strike: subsection (b) in its entirety

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Galt, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Crippen, Gage, Haffey, Hager, Jacobson, Kolstad, Lynch, Stimatz.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Lynch moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 33 this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 38

Noes: Bishop, Boylan, Brown, Farrell, Himsl, Hirsch, Mazurek, Pinsoneault, Severson, Smith, Weeding, Yellowtail.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch moved that SB 33 be rereferred to the Committee on Judiciary. Motion carried.

Senator Gage moved to add the following names to the list of sponsors of SB 115: Tveit, Boylan, Hofman, Jacobson, Weeding, Kolstad. Motion carried.

Senator Pinsoneault moved that consideration on SB 18, second reading, be passed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 63 on the 12th legislative day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Bishop, Eck, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved that SB 63 be rereferred to the Committee on Local Government. Senator Gage withdrew the motion.

Senator Gage moved that SB 63 be rereferred to the Committee on Taxation. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 128, introduced by Gage (By Request of the Department of Justice). Referred to Committee on Finance and Claims.

SB 134, introduced by Beck, Campbell (By Request of the Department of Institutions). Referred to Committee on Judiciary.

SB 135, introduced by Bishop. Referred to Committee on Local Government.

SB 136, introduced by Mazurek, Lynch, Walker, Donaldson, Rasmussen, Harper, Eck, Manning, Haffey, Campbell, J. Brown, Driscoll, Miller, Pistoria, Nelson, Spaeth, Miles, Eudaily, Lory, Darko, Kitselman, B. Williams, B. Brown, Menahan, Grady, Ream, Hansen, Keenan, Schye, O'Connell, Bachini, Kadas. Referred to Committee on Labor and Employment Relations.

SB 137, introduced by Weeding. Referred to Committee on Judiciary.

SB 138, introduced by Hager, Norman, Winslow. Referred to Committee on Public Health, Welfare, and Safety.

SB 139, introduced by E. Smith, Campbell, Tveit, Kolstad, Nathe, O'Connell, Harp, Harding, Beck, Lynch, Stimatz, Manning, Koehnke, Strizich, Nisbet, Meyer, Iverson, Donaldson, Swift, Halligan, Hofman, Boylan, Ramirez, Paulsen, Phillips, Story, Grady, Walker, Thoft, Severson, McCormick, Wallin, Jacobson, Quilici, Menahan, Brandewie, Miller, Pavlovich, Daily. Referred to Committee on Fish and Game.

SB 140, introduced by Mazurek (By Request of the Montana Economic Development Board). Referred to Committee on Business and Industry.

SB 141, introduced by Bengtson. Referred to Committee on Local Government.

SB 142, introduced by Weeding, Schye, Compton, E. Smith. Referred to Committee on Agriculture, Livestock, and Irrigation.

SB 143, introduced by Blaylock. Referred to Committee on Education and Cultural Resources.

SB 144, introduced by Blaylock (By Request of the Department of Institutions). Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Weeding in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 1 - Senator Gage moved that SJR 1 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 11 - Senator Lynch moved that HB 11 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 27 - Senator Story moved that HB 27 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Gage.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 63 - Senator Hirsch moved that HB 63 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Weeding moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 68 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 4 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Blaylock, Brown, Crippen, Eck, Himsl, Neuman, Regan.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 20, 1987.

Motion carried.

Senate adjourned at 3:52 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FOURTEENTH LEGISLATIVE DAY

Helena, Montana
January 20, 1987

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Hammond, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the sixth and seventh legislative days, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/20/87
Considered correctly engrossed: SJR 1.

Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 1/15/87
SB 43, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: "."
Strike: "Upon application, the"
Insert: "The"
Following: "department"
Strike: "may"
Insert: "shall"

2. Page 1, lines 19 through 23.
Following: "any" on line 19
Strike: "resident"
Following: "user" on line 19
Strike: remainder of line 19 through "part" on line 23
Insert: "not subject to subsection (2)(a) or (2)(b)"

3. Page 2, lines 14 and 15.
Strike: subsection (i) in its entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/20/87
SB 93, do pass. Report adopted.
SB 113, do pass. Report adopted. 1/19/87
SB 123, do pass. Report adopted.
SB 124, do pass. Report adopted.
SB 125, do pass. Report adopted.

TAXATION (McCallum, Chairman) 1/20/87
SB 71, do pass. Report adopted.
HB 12, be concurred in. Report adopted.
HB 48, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 13, introduced by Mercer.

HB 21, introduced by Fritz.

HB 30, introduced by Kitselman.

HB 35, introduced by Peterson.

HB 37, introduced by Bradley.

HB 41, introduced by Winslow.

HB 42, introduced by Cobb.

HB 51, introduced by Peck.

HB 53, introduced by Eudaily.

HB 61, introduced by Harper.

HB 64, introduced by Hanson.

HB 65, introduced by Peck.

HB 77, introduced by J. Brown.

HB 81, introduced by J. Brown.

HB 87, introduced by Devlin.

HB 88, introduced by Manuel.

HB 91, introduced by Hayne, et al.

HB 93, introduced by M. Hanson, et al.

HB 98, introduced by Manuel.

HB 103, introduced by Schye.

HB 106, introduced by Kadas, et al.

HB 132, introduced by Fritz.

HJR 2, introduced by Rapp-Svrcek.

MOTIONS

Senator Keating moved that the Senate reconsider its action in concurring in HB 27 on second reading on the 13th legislative day and place HB 27 on second reading. Motion carried as follows:

Ayes: Aklestad, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Abrams, Beck, Bishop, Eck, Haffey, Jacobson, Lynch, Manning, Pinsoneault, Regan, Stimatz, Vaughn, Yellowtail.
Total 13

Paired: Hammond, Aye; Lynch, No.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 22, introduced by Van Valkenburg, C. Smith, Thayer, Harper, Vincent, Mazurek, Simon, Crippen. Referred to Committee on Taxation.

SB 145, introduced by Jacobson, Simon (By Request of the Legislative Audit Committee). Referred to Committee on Taxation.

SB 146, introduced by Jacobson, Simon (By Request of the Legislative Audit Committee). Referred to Committee on Taxation.

SB 147, introduced by Jacobson, Simon (By Request of the Legislative Audit Committee). Referred to Committee on Taxation.

SB 148, introduced by Bishop. Referred to Committee on Local Government.

SB 149, introduced by Manning, O'Connell, Kadas, Lynch, Walker, Stang, Squires, Campbell, Donaldson, Miller, Harper, Hansen, Nelson, Vincent, J. Brown, Driscoll, Meyer, Menahan, Quilici, Keenan, Van Valkenburg, Cobb, Fritz, Grady, Addy, Haffey, Crippen, Mazurek, Jergeson, Yellowtail, Rasmussen, Anderson, Jacobson, Lory, Winslow, Miles, Hirsch, Peterson, Nathe, B. Brown, Connelly, Eudaily, Beck, E. Smith, Tveit, Lybeck. Referred to Committee on State Administration.

SB 150, introduced by Boylan. Referred to Committee on Taxation.

SB 151, introduced by Galt, Blaylock, Holliday, McCallum, Stimatz. Referred to Committee on Natural Resources.

SB 152, introduced by Walker, Lynch, Regan, Jacobson, McCallum, Farrell, Manning, Driscoll, Squires. Referred to Committee on Judiciary.

SB 153, introduced by Walker, Lynch, Jacobson, Haffey, Manning, O'Connell (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

SB 154, introduced by Keating, Hofman, Simon, Hirsch, Brandewie, Donaldson, Grady, Crippen. Referred to Committee on Labor and Employment Relations.

SB 155, introduced by Keating, Rehberg. Referred to Committee on Taxation.

SB 156, introduced by Manning, Stimatz, Pavlovich, Walker. Referred to Committee on Business and Industry.

SB 157, introduced by Manning, Driscoll (By Request of the Division of Workers' Compensation). Referred to Committee on Labor and Employment Relations.

SB 158, introduced by Manning, Nisbet, Walker. Referred to Committee on Local Government.

SB 159, introduced by Boylan, Galt, Hoffman, Keller. Referred to Committee on Natural Resources.

SB 160, introduced by Mazurek (By Request of the Montana Supreme Court and the Supreme Court Commission on the Rules of Evidence). Referred to Committee on Judiciary.

SB 161, introduced by Mazurek, B. Brown, Blaylock, Crippen, Spaeth, Mercer, Bradley, Van Valkenburg, Lory, Gould, Quilici. Referred to Committee on Judiciary.

SB 162, introduced by Mazurek (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bishop in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 1 - Senator Anderson moved that SB 1 do pass. Senator Blaylock made a substitute motion that consideration of SB 1 be passed. Substitute motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Brown, Eck, Galt, Haffey, Hager, Halligan, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 31

Noes: Aklestad, Anderson, Bishop, Boylan, Crippen, Farrell, Gage, Harding, Hirsch, Kolstad, Lynch, McCallum, McLane, Neuman, Smith, Thayer, Tveit.
Total 17

Excused: Hammond.
Total 1

Absent or not voting: Williams.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Bishop moved the adoption of the committee report. Report adopted.

At the request of Senator Blaylock, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Blaylock moved that SB 1 be rereferred to the Committee on Rules. Motion carried.

Senator Story moved that HB 27 be taken from second reading the 15th legislative day and placed on second reading the 23rd legislative day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 57 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 72 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 78 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 80 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.

Total 1

Absent or not voting: None.
Total 0

SB 83 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: Yellowtail.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 21, 1987.

Motion carried.

Senate adjourned at 3:58 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FIFTEENTH LEGISLATIVE DAY

Helena, Montana
January 21, 1987

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Beck, Galt, Halligan, Hammond, McLane, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Manning, Vice-Chairman) 1/21/87
Correctly printed and placed on the members' desks: SB 43, SB 71, SB 93, SB 113, SB 123, SB 124, SB 125.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/20/87
SB 97, do pass. Report adopted.
HB 22, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 1/20/87

SB 38, introduced bill, be amended as follows:

1. Title, line 8.
Following: "MCA;"
Insert: "PROVIDING A TRANSITION PERIOD FOR SCHOOL DISTRICTS WITH MORE THAN 180 PUPIL-INSTRUCTION DAYS;"
Following: "PROVIDING AN"
Strike: "IMMEDIATE"

2. Page 4.
Following: line 13
Insert: "NEW SECTION. Section 2. Transition period — applicability. (1) The calculation of the ANB in 20-9-311 applies to school districts with 180 pupil-instruction days for the fiscal year ending June 30, 1987.

(2) The calculation of the ANB in 20-9-311 is applicable to a school district with more than 180 pupil-instruction days for the school fiscal year ending June 30, 1987, unless it adds 1 day to the divisor used in calculating the ANB in the current school fiscal year and each ensuing school fiscal year until the divisor equals the number of pupil-instruction days used by the school district in the school fiscal year ending June 30, 1987."
Renumber: subsequent section

3. Page 4, line 15.
Following: "effective"
Strike: "on passage and approval"
Insert: "July 1, 1987"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 1/20/87
SB 75, do pass. Report adopted.
SB 76, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 1/20/87

SB 2, introduced bill, be amended as follows:

1. Title, line 6.
Following: "PHYSICAL THERAPISTS"
Strike: "AND"
Insert: ","
Following: "OCCUPATIONAL THERAPISTS"
Insert: ", CHIROPRACTORS, AND PERSONS PRACTICING DENTISTRY"

2. Page 1, line 14.
Following: "Therapist,"
Insert: "Chiropractor, Dentist,"

3. Page 1, line 18.
Following: "occupational therapists,"
Insert: "chiropractors, persons practicing dentistry,"

4. Page 2, line 1.
Following: "occupational therapists,"
Insert: "chiropractors, persons practicing dentistry,"

5. Page 2, line 3.
Following: "therapist,"
Insert: "chiropractor, person practicing dentistry,"

6. Page 2, line 6.
Following: "therapist,"
Insert: "chiropractor, person practicing dentistry,"

7. Page 2, line 18.
Following: "therapist,"
Insert: "chiropractor, person practicing dentistry,"

8. Page 3, line 1.
Following: "occupational therapist,"
Insert: "chiropractor, person practicing dentistry,"

9. Page 3, line 8.
Following: "therapist,"
Insert: "chiropractor, person practicing dentistry,"

10. Page 3, line 19.
Following: "occupational therapist,"
Insert: "chiropractor, person practicing dentistry,"

11. Page 3, line 22.
Following: "therapist,"
Insert: "chiropractor, person practicing dentistry,"

12. Page 4, line 6.
Following: "therapy,"
Insert: "chiropractic, dentistry,"

And, as amended, do pass. Report adopted.

SB 16, introduced bill, be amended as follows: 1/19/87

1. Page 2, lines 14 through 16.
Following: "sale" on line 14
Strike: remainder of line 14 through "sale" on line 16

And, as amended, do pass. Report adopted.

SB 40, second reading copy, be amended as follows: 1/20/87

1. Title, line 7.
Following: "CONDUCT OR"
Insert: "CERTAIN RELATIVES OF"

2. Title, lines 7 and 8.
Following: "CRIME" on line 7
Strike: remainder of line 7 through "FAMILY" on line 8

3. Page 4, line 23 through line 1, page 5.
Following: "(9)(C),"on line 23
Strike: remainder of line 23 through "CHAPTER 3, OR" on line 1, page 5

4. Page 5, line 2.
Following: "OF"
Strike: "SUCH"
Following: "MINOR"
Insert: "who is a victim of a sexual crime for which a person has been charged and who is not entitled to receive services under Title 41, chapter 3,"

And, as amended, do pass. Report adopted.

SB 88, do pass. Report adopted. 1/20/87

RULES (Van Valkenburg, Chairman) 1/21/87
SB 1, recommend return to second reading.

Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/20/87
SB 98, introduced bill, be amended as follows:

1. Title, line 6.
Following: "ANNOTATED"
Strike: "IS"
Insert: "AND CERTIFICATES OF APPOINTMENT AND ELECTION TO OFFICE ARE"

2. Page 1, line 15.
Following: "Montana"
Strike: ", except"

3. Page 1, lines 16 through 17.
Following: "~~and~~"
Strike: "certificates of appointment and election to office,"

And, as amended, do pass. Report adopted.

TAXATION (McCallum, Chairman) 1/20/87
SB 64, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "FOUR"
Insert: "FIVE"

2. Title, line 8.
Strike: "15-6-134, 15-6-142"
Insert: "15-6-135"

3. Page 1, line 16.
Following: "Montana"
Insert: "for the first time"

4. Page 1, line 17.

Following: "chapter"
Insert: "on net income earned from research and development activities"
Following: "5"
Insert: "taxable"
Following: "activity"
Insert: "in Montana"
Following: "."
Insert: "For purposes of [this act], "taxable year" means a research and development firm's taxable year for federal income tax purposes."

5. Page 3, line 12.
Following: "5"
Insert: "taxable"
Following: "activity"
Insert: "in Montana"

6. Page 3, line 14.
Following: "during"
Strike: "that period"
Insert: "those taxable years"

7. Page 3, lines 18 through 22.
Strike: subsection (7) in its entirety

8. Page 8, line 8 through line 23, page 13.
Strike: sections 3 and 4 in their entirety
Insert: "Section 3. Section 15-6-135, MCA, is amended to read:

"15-6-135. Class five property — description — taxable percentage. (1) Class five property includes:

(a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in subsection (1)(c) of 15-6-137;

(b) air and water pollution control equipment as defined in this section;

(c) new industrial property as defined in this section;

(d) any personal or real property used primarily in the production of gasohol during construction and for the first 3 years of its operation~~.~~;

(e) all land and improvements and all personal property owned by a research and development firm, provided that the property is actively devoted to research and development.

(2) (a) "Air and water pollution equipment" means facilities, machinery, or equipment used to reduce or control water or atmospheric pollution or contamination by removing, reducing, altering, disposing, or storing pollutants, contaminants, wastes, or heat. The department of health and environmental sciences shall determine if such utilization is being made.

(b) The department of health and environmental sciences' determination as to air and water pollution equipment may be appealed to the board of health and environmental sciences and may not be appealed to either a county tax appeal board or the state tax appeal board. However, the appraised value of the equipment as determined

by the department of revenue may be appealed to the county tax appeal board and the state tax appeal board.

(3) "New industrial property" means any new industrial plant, including land, buildings, machinery, and fixtures, used by new industries during the first 3 years of their operation. The property may not have been assessed within the state of Montana prior to July 1, 1961.

(4) (a) "New industry" means any person, corporation, firm, partnership, association, or other group that establishes a new plant in Montana for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry.

(b) New industry includes only those industries that:

(i) manufacture, mill, mine, produce, process, or fabricate materials;

(ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials; or

(iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the 1972 Standard Industrial Classification Manual prepared by the United States office of management and budget.

(5) New industrial property does not include:

(a) property used by retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions;

(b) a plant that will create adverse impact on existing state, county, or municipal services; or

(c) property used or employed in any industrial plant that has been in operation in this state for 3 years or longer.

(6) Class five property is taxed at 3% of its market value.""
Renumber: subsequent sections

9. Page 15, line 21.
Following: "5"
Insert: "taxable"
Following: "activity"
Insert: "in Montana"
Following: ","
Insert: "the net income earned from research and development activities by"

And, as amended, do pass. Report adopted.

Adverse Committee Report

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman)
1/20/87

SB 37, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Rasmussen, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 40

Noes: Bengtson, McCallum, Pinsoneault, Regan, Weeding.
Total 5

Excused: Beck, Galt, Halligan, Hammond, McLane.
Total 5

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 95, introduced by Cobb.

HB 108, introduced by Simon.

HB 122, introduced by Peck.

HB 140, introduced by Bardanouve.

HB 153, introduced by Bardanouve.

MOTIONS

Senator Hager moved to temporarily suspend the temporary rules to allow the introduction of LC 64 (SB). Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Beck, Galt, Halligan, Hammond, McLane.
Total 5

Absent or not voting: Bengtson, Mazurek.
Total 2

Senator Rasmussen moved to temporarily suspend the temporary rules to allow the introduction of LC 473 (SB 195). Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Beck, Galt, Halligan, Hammond, McLane.
Total 5

Absent or not voting: None.
Total 0

Senator Eck moved that SB 17 be taken from the Committee on Public Health, Welfare, and Safety and rereferred to the Committee on Finance and Claims. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 163, introduced by Boylan, Lybeck, Mercer, Harding. Referred to Committee on Business and Industry.
SB 164, introduced by Gage (By Request of the Department of Justice). Referred to Committee on Judiciary.
SB 165, introduced by McCallum (By Request of the Department of State Lands). Referred to Committee on State Administration.
SB 166, introduced by McCallum. Referred to Committee on Highways and Transportation.
SB 167, introduced by Eck, Cobb, Cohen, Ream, Halligan. Referred to Committee on State Administration.
SB 168, introduced by Eck, Cohen, Ream, Halligan. Referred to Committee on State Administration.
SB 169, introduced by Keating. Referred to Committee on Labor and Employment Relations.
SB 170, introduced by Rasmussen, McLane, Vaughn, Lynch, Anderson, Haffey, Beck, Hofman, Kolstad, B. Williams, Crippen, E. Smith, Addy, Grady, Manuel, Menahan, Schye, Eudaily, McCormick, Keenan, Hanson, J. Brown, Stratford, Driscoll, Harper, Pavlovich, Strizich, Kadas, Darko, Grinde, Gilbert, Swysgood, Cody, Harrington. Referred to Committee on Public Health, Welfare, and Safety.
SB 171, introduced by Yellowtail (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
SB 172, introduced by Yellowtail (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
SB 173, introduced by B. Brown, Mazurek, Miles, Eudaily. Referred to Committee on Judiciary.
SB 174, introduced by B. Brown, McCallum. Referred to Committee on Education and Cultural Resources.
SB 175, introduced by Halligan. Referred to Committee on Finance and Claims.
SB 176, introduced by Eck, Bradley, Rasmussen. Referred to Committee on Public Health, Welfare, and Safety.
SB 177, introduced by Yellowtail, Sands, Cobb, Grady, Lory, M. Williams, Bishop, Regan, Hansen, Kitselman, Ream, Peck, Wallin, Mazurek. Referred to Committee on Fish and Game.
SB 178, introduced by Beck. Referred to Committee on Finance and Claims.
SB 179, introduced by Beck, Meyer, Keating (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.
SB 180, introduced by Harding, Vaughn. Referred to Committee on Local Government.
SB 181, introduced by Van Valkenburg, Grady. Referred to Committee on Judiciary.
SB 182, introduced by Meyer, Kolstad, Galt, Thomas, Pavlovich, Bengtson, Lynch (By Request of the State Auditor and Securities Commissioner). Referred to Committee on Business and Industry.

SB 183, introduced by Regan (By Request of the Legislative Finance Committee). Referred to Committee on Taxation.

SB 184, introduced by Tveit, Nathe, Abrams, Hirsch, J. Anderson, Kolstad, E. Smith, Gage, Gilbert, Poff, Switzer, Patterson, Boylan, B. Williams, McCallum, Severson, Hofman, Stimatz, Lynch, Menke. Referred to Committee on Natural Resources.

SB 185, introduced by B. Williams, Halligan, Miles (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare, and Safety.

SB 186, introduced by B. Williams, Meyer, Tveit, Halligan (By Request of the State Auditor and Securities Commissioner). Referred to Committee on Business and Industry.

SB 187, introduced by Farrell, Meyer, Thayer, Hirsch, Wallin, Campbell, Grady, Simon, Kitselman, Keating, B. Williams, Neuman, D. Brown, Glaser. Referred to Committee on Highways and Transportation.

SB 188, introduced by Walker, Meyer, Weeding, Driscoll, Thomas, Brandewie, Simon, Pavlovich (By Request of the State Auditor). Referred to Committee on Business and Industry.

SB 189, introduced by Van Valkenburg. Referred to Committee on Judiciary.

SB 190, introduced by Lybeck, Beck, Driscoll, Rapp-Svrcek, Russell, Iverson, Stratford, Ellison. Referred to Committee on Judiciary.

SB 191, introduced by Boylan. Referred to Committee on State Administration.

SB 192, introduced by Boylan. Referred to Committee on Taxation.

SB 193, introduced by Boylan. Referred to Committee on Agriculture, Livestock, and Irrigation.

SJR 7, introduced by Eck, Keenan. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 13, introduced by Mercer (By Request of the Joint Interim Subcommittee on Lien Laws). Referred to Committee on Judiciary.

HB 21, introduced by Fritz. Referred to Committee on Judiciary.

HB 30, introduced by Kitselman. Referred to Committee on Business and Industry.

HB 35, introduced by Peterson. Referred to Committee on Education and Cultural Resources.

HB 37, introduced by Bradley. Referred to Committee on Judiciary.

HB 41, introduced by Winslow. Referred to Committee on Business and Industry.

HB 42, introduced by Cobb. Referred to Committee on Judiciary.

HB 51, introduced by Peck (By Request of the Board of Dentistry). Referred to Committee on Public Health, Welfare, and Safety.

HB 53, introduced by Eudaily (By Request of the Code Commissioner). Referred to Committee on Judiciary.

HB 61, introduced by Harper (By Request of the Department of Agriculture). Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 64, introduced by Hanson. Referred to Committee on Fish and Game.

HB 65, introduced by Peck. Referred to Committee on Judiciary.

HB 77, introduced by J. Brown (By Request of the Department of Revenue). Referred to Committee on Judiciary.

HB 81, introduced by J. Brown (By Request of the Department of Revenue). Referred to Committee on Judiciary.

HB 87, introduced by Devlin. Referred to Committee on Taxation.
HB 88, introduced by Manuel. Referred to Committee on Public Health, Welfare, and Safety.
HB 91, introduced by Hayne, Peterson, Manuel, Patterson, Compton, Campbell, Grady, Asay, Switzer, Gilbert. Referred to Committee on Agriculture, Livestock, and Irrigation.
HB 93, introduced by M. Hanson, Ellison, Pavlovich, Jenkins, Peterson, Cobb, Patterson, Phillips. Referred to Committee on Fish and Game.
HB 98, introduced by Manuel. Referred to Committee on Business and Industry.
HB 103, introduced by Schye. Referred to Committee on Local Government.
HB 106, introduced by Kadas, Peck, Bachini, Eudaily. Referred to Committee on State Administration.
HB 132, introduced by Fritz. Referred to Committee on State Administration.
HJR 2, introduced by Rapp-Svrcek. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Haffey in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 34 - Senator Thayer moved that HB 34 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Beck, Galt, Halligan, Hammond, McLane.
Total 5

Absent or not voting: None.
Total 0

HB 50 - Senator Walker moved that HB 50 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Beck, Galt, Halligan, Hammond, McLane.
Total 5

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Haffey moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 1 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Beck, Galt, Halligan, Hammond, McLane.
Total 5

Absent or not voting: None.
Total 0

HB 11 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Beck, Galt, Halligan, Hammond, McLane.
Total 5

Absent or not voting: None.
Total 0

HB 63 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Neuman, Pinsoneault.

Total 2

Excused: Beck, Galt, Halligan, Hammond, McLane.
Total 5

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 22, 1987.

Motion carried.

Senate adjourned at 3:33 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTEENTH LEGISLATIVE DAY

Helena, Montana
January 22, 1987

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, Hammond, Pinsoneault, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the eighth and ninth legislative days, find the same to be correct.

Galt, Chairman

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the tenth, eleventh, twelfth, and thirteenth legislative days, find the same to be correct.

Manning, Vice-Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Manning, Vice-Chairman) 1/22/87
Correctly printed and placed on the members' desks: SB 2, SB 16, SB 38, SB 40, SB 75, SB 76, SB 85, SB 88, SB 97, SB 98, SB 64.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/21/87
SB 110, do pass. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 1/20/87
SB 28, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "CONSTRUCTION AND"
Following: "MAINTENANCE OF"
Strike: "PUBLICLY OR"

2. Page 1, lines 13 and 14.
Following: "costs of"
Strike: "construction and maintenance of publicly or"
Insert: "constructing"

3. Page 1, line 15.
Following: "from"
Insert: "the main to his premises and for maintaining service pipelines from"

4. Page 1, lines 15 and 16.
Following: "private" on line 15
Strike: "or public"

5. Page 1, line 17.
Strike: "constructing and"

6. Page 1, line 18.
Following: "line"
Insert: ", except that the property owner shall pay for pipe and other supplies used in maintaining water service lines between the main and his property line"

7. Page 1, lines 20 and 21.
Following: "excavation in"
Strike: "constructing or"

8. Page 3, line 19.
Following: "constructing"
Insert: "water service pipelines from the main to his premises"

9. Page 3, line 20.
Following: "and"
Insert: "for"

10. Page 3, line 21.
Following: "private"
Strike: "or municipal"

11. Page 3, line 22.
Following: "cost of"
Strike: "constructing and"

12. Page 3, line 24.
Following: "line"
Insert: ", except that the consumer shall pay for pipe and other supplies used in maintaining water service lines between the main and his property line"

And, as amended, do pass. Report adopted.

Adverse Committee Report

TAXATION (McCallum, Chairman) 1/20/87

SB 3, introduced bill, be amended as follows:

1. Title, line 6.
Following: "TO"
Strike: "DISCONTINUE"
Insert: "DELETE"

2. Title, line 7.
Strike: "DEPOSIT"
Insert: "REQUIREMENT THAT AT LEAST 50 PERCENT"
Following: "COLLECTIONS"
Strike: "IN"
Insert: "BE DEDICATED TO"

3. Page 2, line 3.
Following: "to"
Strike: "discontinue"
Insert: "delete"

4. Page 2, line 4.
Strike: "deposit"
Insert: "requirement that at least 50%"
Following: "collections"
Strike: "in"
Insert: "be dedicated to"

5. Page 2, line 6.
Following: "to"
Strike: "discontinue"
Insert: "delete"

6. Page 2, line 7.

Strike: "deposit"
Insert: "requirement that at least 50%"
Following: "collections"
Strike: "in"
Insert: "be dedicated to"

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~28~~ 29

Noes: Aklestad, Anderson, Bishop, Boylan, Crippen, Gage, Hager, Harding, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Smith, Story, Thayer, Tveit, ~~Weeding~~.
Total ~~19~~ 18

Excused: Galt, Hammond, Pinsoneault.
Total 3

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 31, introduced by Kitselman.

HB 59, introduced by Hanson.

HB 68, introduced by Kitselman.

HB 82, introduced by J. Brown.

HB 134, introduced by Addy.

HB 151, introduced by Pistoria.

HB 158, introduced by Nathe.

HB 162, introduced by Kennerly.

HB 171, introduced by Fritz.

HB 176, introduced by Bardanouve.

MOTIONS

Senator Gage moved that SB 85 be taken from second reading and rereferred to the Committee on Rules. Motion carried.

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:10 p.m.

Senate reconvened at 3:55 p.m.

MOTIONS

Senator Weeding moved that his vote on the Adverse Committee Report on SB 3 be recorded as yes. Motion carried.

Senator Neuman moved that SB 71 be taken from second reading and rereferred to the Committee on Taxation. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Haffey, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Farrell, Galt, Hager, Hammond, Kolstad, McCallum, Severson, Smith, Thayer, Tveit.
Total 11

Paired: Jacobson, Neuman, Pinsoneault, Ayes; Farrell, Galt, Hammond, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 194, introduced by Hager. Referred to Committee on Highways and Transportation.
SB 195, introduced by Rasmussen. Referred to Committee on Public Health, Welfare, and Safety.
SB 196, introduced by B. Brown (By Request of the Board of Public Education). Referred to Committee on Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 31, introduced by Kitselman. Referred to Committee on Business and Industry.
HB 59, introduced by Hanson. Referred to Committee on Agriculture, Livestock, and Irrigation.
HB 68, introduced by Kitselman. Referred to Committee on Business and Industry.
HB 82, introduced by J. Brown (By Request of the Department of Revenue). Referred to Committee on Public Health, Welfare, and Safety.
HB 95, introduced by Addy, Mercer. Referred to Committee on Judiciary.
HB 108, introduced by Simon (By Request of the Legislative Audit Committee). Referred to Committee on Agriculture, Livestock, and Irrigation.
HB 122, introduced by Peck, Jergeson, Thayer, Nathe (By Request of the Department of Commerce). Referred to Committee on Business and Industry.
HB 134, introduced by Addy. Referred to Committee on Judiciary.
HB 140, introduced by Bardanouve (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.
HB 151, introduced by Pistoria, Harper, Kadas, Connelly, Meyer, Miller, Cobb. Referred to Committee on Taxation.

HB 153, introduced by Bardanouve (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 158, introduced by Nathe. Referred to Committee on State Administration.

HB 162, introduced by Kennerly, Cobb (By Request of the Legislative Audit Committee). Referred to Committee on Education and Cultural Resources.

HB 171, introduced by Fritz (By Request of the Teachers' Retirement Board). Referred to Committee on Education and Cultural Resources.

HB 176, introduced by Bardanouve (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Himsl in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 43 - Senator Farrell moved that SB 43 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Hammond, Pinsoneault.
Total 3

Absent or not voting: None.
Total 0

SB 93 - Senator Walker moved that SB 93 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Hammond, Pinsoneault.
Total 3

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Himsl moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 23, 1987.

Motion carried.

Senate adjourned at 4:32 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SEVENTEENTH LEGISLATIVE DAY

Helena, Montana
January 23, 1987

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the fourteenth, fifteenth, and sixteenth legislative days, find the same to be correct.

Manning, Vice-Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Manning, Vice-Chairman) 1/23/87
Correctly printed and placed on members' desks: SB 3, SB 28, SB 110.
Considered correctly engrossed: SB 43, SB 93.

Report adopted.

JUDICIARY (Mazurek, Chairman) 1/22/87
SB 48, introduced bill, be amended as follows:

1. Title, line 9.
Following: "$50,000"
Insert: "AND IF PERIODIC PAYMENT IS IN THE BEST INTERESTS OF THE CLAIMANT"

2. Page 1, line 14.
Following: "through"
Strike: "5"
Insert: "7"

3. Page 2, line 4.
Following: "court"
Strike: "shall"
Insert: "may"

4. Page 2, line 5.
Following: "damages"
Insert: "if the court finds that such payment is in the best interests of the claimant"

5. Page 2, line 7.
Strike: "a"
Strike: "finding"
Insert: "findings"

6. Page 2, line 9.
Following: "damages"
Insert: "and as to whether an order for periodic payment of future damages is in the best interests of the claimant"

7. Page 4, line 2.
Insert: "Section 6. Assignment of periodic installments. An assignment of or an agreement to assign any right to periodic installments for future damages contained in a judgment entered under [sections 1 through 7] is enforceable only as to amounts:

(1) to secure payment of alimony, maintenance, or child support;

(2) for the costs of products, services, or accommodations provided or to be provided by the assignee for medical or other health care; or

(3) for attorney fees and other expenses of litigation incurred in securing the judgment.

Section 7. Form of security — satisfaction of judgments. (1) Security authorized or required for payment of a judgment for periodic installments entered in accordance with [sections 1 through 7] must be in one or more of the following forms and approved by the court:

(a) a bond executed by a qualified insurer;

(b) an annuity contract executed by a qualified insurer;

(c) evidence of applicable and collectable liability insurance with one or more qualified insurers;

(d) an agreement by one or more qualified insurers to guarantee payment of the judgment; or

(e) any other satisfactory form of security.

(2) Security complying with this section serves also as any required supersedeas bond.

(3) If security is posted either upon request of a judgment debtor or as required by [sections 1 through 7] and is approved under a final judgment entered under [sections 1 through 7], the court may, in its discretion, order that the judgment is satisfied and the judgment debtor on whose behalf the security is posted is discharged."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 49, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "EMPLOYEES,"

2. Page 1, line 12.
Following: "abolished."
Insert: "(1)"

3. Page 1, line 13.
Strike: "employee,"

4. Page 1, lines 17 and 18.
Following: "liability for" on line 17
Strike: remainder of line 17 through "acts" on line 18
Insert: "willful or wanton misconduct"
Following: "."
Insert: "(2) For purposes of this section, "nonprofit corporation" means an organization exempt from taxation under section 501(c) of the Internal Revenue Code of 1954 or a corporation incorporated or admitted under the Montana Nonprofit Corporation Act."

And, as amended, do pass. Report adopted.

SB 112, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "$25,000"
Insert: "$10,000"

2. Page 1, line 18.
Strike: "$25,000"
Insert: "$10,000"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 1/22/87
SB 84, do pass. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 1/23/87
SB 55, introduced bill, be amended as follows:

1. Title, line 8.
Following: "TAX;"
Insert: "PROVIDING FOR A RESORT TAX IN UNINCORPORATED AREAS; EXTENDING THE TAX TO SKI RESORTS AND OTHER RECREATIONAL FACILITIES;"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "7-6-4461"
Insert: "AND 7-6-4463 THROUGH 7-6-4465"

2. Page 1, line 13.
Following: "Resort"
Strike: "community"

3. Page 2.
Following: line 1
Insert: "(4) "Resort area" means an area that:

(a) derives a substantial portion of its economic well-being from businesses catering to the recreational and personal needs of persons traveling to or through the area for purposes not related to their income production;

(b) has been declared a resort area by the county commissioners as provided in [section 2]; and

(c) (i) is an unincorporated town defined in the most recent decennial census conducted by the U.S. bureau of the census as a census designated place; or

(ii) is an area comprising not more than 10 square miles that does not include any portion of an incorporated city or town."
Renumber: subsequent subsection

4. Page 2, line 6.
Following: "derives"
Strike: "the major"
Insert: "a substantial"

5. Page 2, line 3.
Following: ";"
Insert: "and"

6. Page 2, line 10.
Strike: "; and"
Insert: "."

7. Page 2, lines 11 and 12.
Strike: subsection (c) in its entirety

8. Page 2.

Following: line 12

Insert: "NEW SECTION. Section 2. Resort area — taxing authority. (1) The board of county commissioners, upon receiving a written petition containing a description of the proposed resort area and signed by at least 10 registered voters residing in the proposed district, shall by resolution establish a resort area.

(2) The petition must include a proposal to impose a resort tax within the proposed resort area, including the rate, duration, effective date, and purpose of the tax as provided in 7-6-4464.

Section 3. Section 7-6-4463, MCA, is amended to read:

"7-6-4463. Limit on resort ~~community~~ tax rate — goods and services subject to tax. (1) The rate of the resort tax must be established by the election petition or resolution provided for in 7-6-4464, but the rate may not exceed 3%.

(2) (a) The resort tax is a tax on the retail value of all goods and services sold within the resort community or area by the following establishments:

(i) hotels, motels, and other lodging or camping facilities;

(ii) restaurants, fast food stores, and other food service establishments;

(iii) taverns, bars, night clubs, lounges, and other public establishments that serve beer, wine, liquor, or other alcoholic beverages by the drink; and

(iv) ski resorts and other recreational facilities.

(b) ~~establishments~~ Establishments that sell luxuries must collect a tax on such luxuries."

Section 4. Section 7-6-4464, MCA, is amended to read:

"7-6-4464. Resort ~~community~~ tax — election required — procedure. (1) A resort community may not impose or, except as provided in 7-6-4465, amend or repeal a resort tax unless the resort tax question has been submitted to the electorate of the resort community and approved by a majority of the electors voting on the question.

(2) The resort tax question may be presented to the electors of ~~the~~:

(a) a resort community by~~:~~

~~(a)~~ a petition of the electors as provided by 7-1-4130, 7-5-132, and 7-5-134 through 7-5-137~~;~~ or

~~(b)~~ a resolution of the governing body of the resort community; or

(b) a resort area by a resolution of the board of county commissioners following receipt of a petition of electors as provided in [section 2].

(3) The petition or resolution referring the taxing question must state:

(a) ~~must state~~ the exact rate of the resort tax;

(b) ~~must state~~ the duration of the resort tax;

(c) ~~must state~~ the date when the tax becomes effective, which date may not be earlier than 35 days after the election; and

(d) ~~may specify~~ the purposes that may be funded by the resort tax revenue.

(4) The petition or resolution referring the resort tax question may provide for a seasonal tax, which would be effective for a period of at least 3 but less than 12 months of each calendar year.

~~(4)~~(5) Upon receipt of an adequate petition the governing body may:

(a) call a special election on the resort tax question; or

(b) have the resort tax question placed on the ballot at the next regularly scheduled election.

~~(5)~~(6) The question of the imposition of a resort tax may not be placed before the electors more than once in any fiscal year."

Section 5. Section 7-6-4465, MCA, is amended to read:

"7-6-4465. Resort ~~community~~ tax administration. (1) In this section, "governing body" means the governing body of an incorporated resort community or, if the resort tax has been approved by the electors of an unincorporated resort area, the board of county commissioners.

(2) Not less than 30 days prior to the date the resort tax becomes effective, the governing body ~~of the resort community~~ shall enact an administrative ordinance governing the collection and reporting of the resort taxes. This administrative ordinance may be amended at any time thereafter as may be necessary to effectively administer the resort tax.

~~(2)~~(3) The administrative ordinance shall specify:

(a) the times taxes collected by business are to be remitted to the ~~resort community~~ governing body;

(b) the local government office, officer, or employee responsible for receiving and accounting for the resort tax receipts;

(c) the local government office, officer, or employee responsible for enforcing the collection of resort taxes and the methods and procedures to be used in enforcing the collection of resort taxes due; and

(d) the penalties for failure to report taxes due, failure to remit taxes due, and violations of the administrative ordinance. The penalties may include:

(i) criminal penalties not to exceed a fine of $1,000 or 6 months imprisonment or both the fine and imprisonment;

(ii) civil penalties if the ~~resort community~~ governing body prevails in a suit for the collection of resort taxes, not to exceed 50% of the resort taxes found due plus the costs and attorney fees incurred by the ~~resort community~~ governing body in the action;

(iii) revocation of the offender's county or municipal business license; and

(iv) any other penalties that may be applicable for violation of an ordinance.

~~(3)~~(4) The administrative ordinance may include:

(a) further clarification and specificity in the categories of goods and services that are subject to the resort tax consistent with 7-6-4463;

(b) authorization for business administration and prepayment discounts. The discount authorization may allow each vendor and commercial establishment to:

(i) withhold up to 5% of the resort taxes collected to defray their costs for the administration of the tax collection; or

(ii) receive a refund of up to 5% of the resort tax payment received from them by the ~~resort community~~ county governing body 10 days prior to the collection due date established by the administrative ordinance; and

(c) other administrative details necessary for the efficient and effective administration of the tax."

NEW SECTION. Section 6. Use of resort area tax — property tax relief. (1) Unless otherwise provided by the authorization approved by the electors under 7-6-4464, the board of county commissioners may appropriate and expend revenues derived from a resort area tax for the purpose stated in the resolution approved by the electors.

(2) (a) Anticipated revenues from a resort area tax must be applied to reduce the tax levy on property within the resort area for the fiscal year in an amount equal to at least 5% of the resort tax revenues derived during the preceding fiscal year.

(b) When revenues from a resort area tax exceed the anticipated amount, the board of county commissioners shall establish a property tax relief fund for the resort area. All resort area tax revenues received in excess of the anticipated amount must be placed in the fund, and the entire fund must be used to replace the equivalent amount of property taxes in the resort area in the ensuing fiscal year."

Renumber: subsequent sections

9. Page 2, lines 14 and 15.
Following: "community"
Strike: remainder of line 14 through "community" on line 15
Insert: "that adopts a resort tax and to any unincorporated area declared a resort area by the board of county commissioners"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 1/21/87

SB 6, introduced bill, be amended as follows:

1. Title, lines 4 and 5.
Following: ""AN ACT"
Strike: remainder of line 4 through "ANATOMICAL GIFT" on line 5
Insert: "PROVIDING FOR ORGAN DONATION REQUEST IN HOSPITALS"

2. Page 1, lines 9 through 12.
Following: "Section 1."
Strike: remainder of line 9 through "a hospital" on line 12
Insert: "When organ donation may be requested. (1) When, based on generally accepted medical standards, a hospital patient is a suitable candidate for organ or tissue donation and has not made an anatomical gift as provided in this part"

3. Page 1.
Following: line 20
Insert: "(2) If the hospital administrator or his designated representative has actual notice of opposition to the gift by the decedent or a person authorized to make a gift under 72-17-201 or reason to believe that an anatomical gift is contrary to the decedent's religious beliefs, or if there are medical or emotional conditions under which the request would contribute to severe emotional distress, donation of all or part of the decedent's body may not be requested."
Renumber: subsequent subsections

4. Page 1, line 23.
Following: "medical record"
Strike: "and on the death certificate"

5. Page 1, line 25 through page 2, line 10.
Strike: subsections (3) and (4) in their entirety
Insert: "Section 2. Immunity from liability. A person who acts in good faith in accordance with the terms of [section 1] is not liable for damages in any civil proceeding or subject to prosecution in any criminal proceeding that might result from this action.

Section 3. Organ procurement program required. The administrator of a hospital licensed under this chapter shall as a condition of licensure under 50-5-201:

(1) establish a written protocol for the identification of potential organ donors that:

(a) assures that families of potential organ donors are made aware of the option of organ or tissue donation and their option to decline;

(b) encourages discretion and sensitivity with respect to the circumstances, views, and beliefs of families of potential organ donors; and

(c) requires that a qualified organ procurement agency be notified of potential organ donors;

(2) designate and train a person or persons to represent him for purposes of requesting an anatomical gift as provided in [section 1]; and

(3) make known to the public that the hospital has an organ procurement program as described in subsection (1)."
Renumber: subsequent section

6. Page 2, line 11.
Following: "instruction."
Strike: "Section 1 is"
Insert: "(1) Sections 1 and 2 are"

7. Page 2, line 14.
Following: "17,"
Strike: "part 2,"
Following: "apply to"
Strike: "section 1"
Insert: "sections 1 and 2.

(2) Section 3 is intended to be codified as an integral part of Title 50, chapter 5, part 2, and the provisions of Title 50, chapter 5, apply to section 3.

Section 5. Extension of authority. Any existing authority of the department of health and environmental sciences to make rules on the subject of the provisions of section 3 is extended to the provisions of section 3."

And, as amended, do pass. Report adopted.

SB 31, introduced bill, be amended as follows:

1. Title, line 4.
Following: ""AN ACT"
Strike: remainder of line 4 through "TO" on line 5
Insert: "GENERALLY REVISING THE LAWS REGULATING THE PRACTICE OF"

2. Title, line 5.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 2-15-1858 AND"

3. Page 1.
Following: line 8
Insert: "Section 1. Section 2-15-1858, MCA, is amended to read:

"2-15-1858. Board of physical therapy examiners. (1) There is a board of physical therapy examiners.

(2) The board consists of ~~three~~ five members appointed by the governor with the consent of the senate for a term of 3 years. The members are:

(a) three physical therapists licensed under Title 37, chapter 11, who have been actively engaged in the practice of physical therapy for the 3 years preceding appointment to the board;

(b) one physician licensed under Title 37, chapter 3, who has been actively engaged in the practice of medicine for the 3 years preceding appointment to the board; and

(c) one member of the general public who is not a physician or a physical therapist.

(3) Each member must have been a resident of Montana ~~and a practicing physical therapist~~ for the 3 years preceding appointment to the board.

(4) (a) Within 30 days following July 1, 1979, the governor shall make initial appointments to the board of physical therapy examiners. He shall appoint one member each to hold office for terms of 1 year, 2 years, and 3 years, respectively. At the end of each member's appointed term, a member shall be appointed for a full 3-year term.

(b) The Montana medical association may submit names of nominees under subsection (2)(b) to the governor as provided in 37-1-132.

(c) A physician and a member of the general public must be appointed to the board on or before January 1, 1988, for a 3-year term.

(5) A vacancy on the board must be filled in the same manner as the original appointment. These appointments may only be made for the unexpired portions of the term.

(6) No member may be appointed for more than two consecutive terms.

(7) The governor may remove any board member for negligence in performance of any duty required by law and for incompetence or unprofessional or dishonorable conduct.

(8) A board member is not liable to civil action for any act performed in good faith in the execution of the duties required by Title 37, chapter 11.

(9) The board shall provide for its organizational structure by rule, which shall include a chairman, vice-chairman, and secretary-treasurer.

(10) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

NEW SECTION. Section 2. Duty to report violations — immunity from liability. (1) Notwithstanding any provision of state law regarding the confidentiality of health care information, a physical therapist shall report to the board any information that appears to show that another physical therapist is:

(a) mentally or physically unable to engage safely in the practice of physical therapy; or

(b) guilty of any act, omission, or condition that is grounds for disciplinary action under 37-11-321.

(2) There is no liability on the part of and no cause of action may arise against a physical therapist who in good faith provides information to the board as required by subsection (1)."

Renumber: subsequent section

4. Page 2.
Following: line 4
Insert: "NEW SECTION. Section 4. Codification instruction. Section 2 is intended to be codified as an integral part of Title 37, chapter 11, and the provisions of Title 37, chapter 11, apply to section 2."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/23/87
SB 153, do pass. Report adopted.

TAXATION (McCallum, Chairman) 1/23/87
SB 122, introduced bill, be amended as follows:

1. Page 1, line 24.
Strike: "date"
Insert: "receipt"

And, as amended, do pass. Report adopted.

SB 129, do pass. Report adopted.

Adverse Committee Report

JUDICIARY (Mazurek, Chairman) 1/21/87
SB 50, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Haffey, Halligan, Hammond, Harding, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault,

Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Boylan, Brown, Gage, Hager, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, McCallum.
Total 11

Excused: Galt.
Total 1

Absent or not voting: Neuman, Smith.
Total 2

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 19, introduced by Mercer.

HB 139, introduced by Koehnke.

HB 204, introduced by Fritz.

MOTIONS

Senator Halligan moved to temporarily suspend the temporary rules to allow the introduction of LC 761 (SB 209). Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: Kolstad, Mazurek, McCallum, Neuman, Smith.
Total 5

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 197, introduced by Rasmussen, Jenkins, Grady, Menahan, Daily, Jacobson, Peck, McCormick, Driscoll, J. Brown, Quilici, Blaylock. Referred to Committee on State Administration.

SB 198, introduced by Thayer, Manuel, Vincent, Regan, Addy, Miller, Donaldson, Eck, Jacobson, Asay, Keating, Lory, O'Connell, Himsl, Kitselman, Manning, Pavlovich, Quilici, Walker, Keenan, Strizich, Harper, Phillips, Van Valkenburg, J. Brown, Poulsen, Kennerly, Harrington, Crippen, McCormick, Menahan, Meyer, McCallum, Daily, Stimatz, Driscoll, Lynch, Haffey, Anderson, D. Brown. Referred to Committee on Business and Industry.

SB 199, introduced by B. Brown, Peck, Grady, Harper, McCallum, Miles, Donaldson, Neuman, Nelson, Compton, Farrell, Blaylock, Regan, Sands. Referred to Committee on Education and Cultural Resources.

SB 200, introduced by E. Smith, Severson, B. Brown, Tveit, McCallum, Nathe, Hager, Farrell, Hirsch, Lybeck, Ellison, Beck, Devlin, C. Smith, Jones, Kolstad. Referred to Committee on Taxation.

SB 201, introduced by Story. Referred to Committee on Business and Industry.

SB 202, introduced by Weeding. Referred to Committee on Business and Industry.

SB 203, introduced by Eck, Hager, Keenan, Regan, Lynch, Bishop. Referred to Committee on Local Government.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jacobson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 1 - Senator Anderson moved that SB 1, second reading copy, be amended as follows:

1. Page 7, line 8.
Following: "shall"
Insert: ", upon an appropriation by its legislature,"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

Senator Anderson moved that SB 1, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.

Total 1

Absent or not voting: None.
Total 0

SB 38 - Senator Hammond moved that SB 38, second reading copy, be amended as follows:

1. Page 4, line 23.
Strike: "1 DAY"
Insert: "2 days"

Amendment failed as follows:

Ayes: Abrams, Aklestad, Anderson, Boylan, Farrell, Gage, Hager, Hammond, Harding, Hirsch, Hofman, Jacobson, Keating, Kolstad, McCallum, Pinsoneault, Smith, Tveit, Williams, Mr. President.
Total 20

Noes: Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Halligan, Himsl, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 29

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

Senator Smith excused at this time.

Senator Williams moved that SB 38 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Story, Tveit, Van Valkenburg, Williams, Mr. President.
Total 37

Noes: Eck, Lynch, Manning, Neuman, Stimatz, Thayer, Vaughn, Walker, Weeding, Yellowtail.
Total 10

Excused: Galt, Smith.
Total 2

Absent or not voting: Kolstad.
Total 1

SB 113 - Senator Gage moved that SB 113 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 123 - Senator Harding moved that SB 123 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 124 - Senator Harding moved that SB 124 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 125 - Senator Harding moved that SB 125 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

HB 12 - Senator Neuman moved that HB 12 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

HB 48 - Senator Mazurek moved that HB 48 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Jacobson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 34 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding,

Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Beck, Blaylock.
Total 2

Excused: Galt, Smith.
Total 2

Absent or not voting: McCallum.
Total 1

HB 50 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: McCallum.
Total 1

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., January 24, 1987.

Motion carried.

Senate adjourned at 4:13 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTEENTH LEGISLATIVE DAY

Helena, Montana
January 24, 1987

Senate Chambers
State Capitol

Senate convened at 9:01 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, Lybeck, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Manning, Vice-Chairman) 1/24/87

Correctly printed and placed on the members' desks: SB 6, SB 31, SB 48, SB 49, SB 55, SB 84, SB 112, SB 122, SB 129, SB 153.

Considered correctly engrossed: SB 1, SB 38, SB 113, SB 123, SB 124, SB 125.

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 1/21/87

SB 46, introduced bill, be amended as follows:

1. Title, line 8.
Following: "17-6-103"
Strike: "AND"
Insert: ","

2. Title, line 8.
Following: "80-14-102,"
Insert: "80-14-202, AND 80-14-203,"

3. Page 2.
Following: line 18
Insert: "Section 2. Section 80-14-202, MCA, is amended to read:

"80-14-202. (Temporary) Approval and acceptance of deposit — deposit agreement. (1) The board may accept or reject the linked deposit loan package or any portion thereof.

(2) Upon acceptance of the linked deposit loan package or any portion thereof, the board may place certificates of deposit for a term not less than 30 days and not to exceed ~~6~~ 12 months with the eligible lending institution at a rate 1% below the current market rate for such certificates, as determined by the board.

(3) The eligible lending institution must enter into a deposit agreement with the board, which shall specify the recipients, amount, rate of interest, and length of time of loans which the institution will make upon receiving a linked deposit. The agreement must also specify that interest on the linked deposit must be paid at the times determined by the board.

(4) The period of time for which a certificate of deposit is placed with an eligible lending institution may be neither longer nor shorter than the period of time for which the linked deposit is used to provide loans at reduced interest rates."

Section 3. Section 80-14-203, MCA, is amended to read:

"80-14-203. (Temporary) Linked deposit loans. (1) Upon placement of a linked deposit with an eligible lending institution, the institution

must lend such funds to each approved eligible agricultural operation listed in the linked deposit loan package required by 80-14-201 and in accordance with the deposit agreement required by 80-14-202. Each loan must be at a fixed rate of interest not exceeding ~~2~~ 3 percentage points greater than the rate payable on the linked deposit.

(2) All records and documents pertaining to each loan shall be segregated by the lending institution for ease of identification and examination.

(3) Each eligible agricultural operation receiving a loan under this chapter shall promptly certify receipt of the loan to the board in the form and manner prescribed by the board.

(4) Any report of noncompliance by an eligible lending institution chartered under the laws of this state must be referred to the financial division of the department of commerce for appropriate action. Any report of noncompliance by an eligible lending institution chartered under federal law must be referred to the office of United States comptroller of the currency or other appropriate federal regulatory agency for appropriate action.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 102, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Following: "RIGHTS;" on line 6
Strike: "AND"
Following: "MCA" on line 7
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4.
Following: line 4
Insert: "NEW SECTION. Section 2. Effective date. This act is effective on passage and approval."

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 1/23/87

SB 133, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 1/23/87

SB 20, introduced bill, be amended as follows:

1. Page 8, line 24.
Following: "him."
Insert: "Notice by certified mail is effective on the date the notice is mailed."

2. Page 8, line 25.
Following: "shall"
Insert: "also"

3. Page 9, lines 4 through 6.
Following: "than" on line 4
Strike: remainder of lines 4 through 6 in their entirety
Insert: "5 business days after the date on which the notice of the right to claim a lien is given to the contracting owner."

And, as amended, do pass. Report adopted.

SB 23, introduced bill, be amended as follows:

1. Title, lines 5 through 8.
Following: "MEETINGS OF" on line 5
Strike: remainder of line 5 through "ACTIVITIES" on line 8
Insert: "CERTAIN ASSOCIATIONS OF PUBLIC AGENCIES"

2. Page 1, line 13.
Following: "~~agencies~~"
Insert: "of public agencies and certain associations of public agencies"

3. Page 1, line 15.
Following: "~~governmental~~"
Strike: "the following"
Insert: "public or governmental"

4. Page 1, lines 15 through 17.
Following: "bodies;" on line 15
Strike: remainder of line 15 through "(a)" on line 17
Insert: ","

5. Page 1, line 18.
Following: "of the state"
Strike: ";"
Following: "~~or~~"
Insert: "or"

6. Page 1, line 19.
Strike: "(b)"

7. Page 1, line 21.
Strike: "; or"
Insert: "must be open to the public."

8. Page 1, lines 22 through 25.
Following: line 21
Strike: subsection (c) in its entirety
Insert: "(2) All meetings of associations that are composed of public or governmental bodies referred to in subsection (1) and that regulate the rights, duties, or privileges of any individual must be open to the public."
Renumber: subsequent subsections

9. Page 2, line 15.
Following: "body"
Insert: "or an association described in subsection (2)"

And, as amended, do pass. Report adopted.

SB 108, introduced bill, be amended as follows: 1/22/87

1. Title, line 7.
Strike: "JUDICIAL"
Following: "OFFICES"
Insert: "OF SUPREME COURT JUSTICES AND DISTRICT COURT JUDGES"

2. Page 4, line 9.
Strike: "judicial"
Following: "offices"
Insert: "of supreme court justices and district court judges"

3. Page 4, line 11.

Strike: "judicial"
Following: "offices"
Insert: "of supreme court justices and district court judges"

And, as amended, do pass. Report adopted.

SB 119, do pass. Report adopted.

MOTIONS

Senator Halligan moved that consideration on SB 40 be passed until the 19th legislative day, 1/26/87. Motion carried.

Senator Stimatz moved that the following names be added to the list of sponsors of SB 92: Yellowtail, Gage, Hirsch, Jergeson, Lybeck, Bengtson, Regan, Lynch, B. Williams, Manning, Weeding, Jacobson, Van Valkenburg, Halligan, Vaughn, Walker, Mazurek, Kolstad, Harding, Hofman, Anderson, Thayer, Phillips, Hanson, Nathe, Russell, Kennerly, Bachini, Asay. Motion carried.

Senator Thayer moved that the following names be added to the list of sponsors of SB 204: McCormick, Phillips, Nisbet, O'Connell, Bulger, Squires, Koehnke, Miller, Neuman, McLane, Ramirez, Bishop, Hager, Crippen, Blaylock, Bengtson, Keating. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 204, introduced by Thayer, Poulsen, Campbell, Thomas, Manning, McLane, Harding, Connelly, Meyer, Bachini, J. Brown, Anderson, Hofman, Peck. Referred to Committee on Local Government.

SB 205, introduced by Halligan. Referred to Committee on Business and Industry.

SB 206, introduced by Hirsch. Referred to Committee on Local Government.

SB 207, introduced by Lybeck, Manning, Boylan, Hirsch, Jergeson, Yellowtail, Weeding, Beck, Hofman, Kolstad, Anderson, Stratford, Rapp-Svrcek, Switzer, Devlin, Grinde, Swysgood, M. Hanson, Phillips, Koehnke, Manuel. Referred to Committee on Agriculture, Livestock, and Irrigation.

SB 208, introduced by Keating, Giacometto. Referred to Committee on Natural Resources.

SB 209, introduced by Halligan (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.

SB 211, introduced by Story. Referred to Committee on Local Government.

SB 212, introduced by Farrell, Campbell, Swysgood, O'Connell, Halligan, Fritz, Gilbert, Grady, Thomas, Harp, Tveit, Gage, Weeding, Glaser, B. Williams. Referred to Committee on Highways and Transportation.

SB 213, introduced by Mazurek (By Request of the Board of Realty Regulation). Referred to Committee on Business and Industry.

SB 214, introduced by Mazurek (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.

SB 215, introduced by Jacobson, Keenan. Referred to Committee on Public Health, Welfare, and Safety.

SB 216, introduced by Jacobson, Keenan, Eck, Yellowtail, Hannah, Quilici, Haffey, Walker, Lynch, Vaughn, Hayne, Keating, Harding. Referred to Committee on Finance and Claims.

SB 217, introduced by B. Brown, Peck, Eudaily, Regan, McCallum, Blaylock. Referred to Committee on Education and Cultural Resources.

SB 218, introduced by Meyer, Brandewie (By Request of the State Auditor). Referred to Committee on Business and Industry.

SB 219, introduced by Meyer, Hanson, Grady, Thayer, Kolstad, Manning, Patterson, Hammond, Mazurek, E. Smith, Crippen, Keating, Hofman, Severson, Pinsoneault, Vaughn, Menahan, Manuel, Harding, McCallum, Neuman, Hirsch, Lybeck, Boylan, Anderson, Yellowtail, Bengtson, Haffey, Jergeson, B. Williams, Halligan, Hager, Aklestad, Abrams, Harp, Brandewie, Bishop, Beck, McLane, Weeding, Thoft, Miller, Koehnke. Referred to Committee on Fish and Game.

SB 220, introduced by Yellowtail. Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 19, introduced by Mercer (By Request of the Interim Subcommittee on Lien Laws). Referred to Committee on Judiciary.

HB 139, introduced by Koehnke. Referred to Committee on Judiciary.

HB 204, introduced by Fritz. Referred to Committee on Local Government.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Beck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 2 - Senator Hager moved that SB 2 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: None.
Total 0

SB 16 - Senator Halligan moved that SB 16 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman,

Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: None.
Total 0

SB 64 - Senator Halligan moved that SB 64 do pass. Senator Halligan made a substitute motion to place SB 64 on the bottom of the board. Motion carried.

SB 75 - Senator Abrams moved that SB 75 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: None.
Total 0

SB 76 - Senator Abrams moved that SB 76 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: None.
Total 0

SB 88 - Senator Van Valkenburg moved that SB 88 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Farrell, Haffey, Halligan, Harding, Himsl, Hirsch, Hofman,

Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Bishop, Crippen, Eck, Gage, Hager, Severson, Smith.
Total 7

Excused: Galt, Lybeck.
Total 2

Absent or not voting: Hammond, Keating.
Total 2

SB 97 - Senator Thayer moved that SB 97 do pass. Motion carried as follows:

Ayes: Bishop, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Harding, Himsl, Hirsch, Jacobson, Kolstad, Lynch, Manning, Mazurek, Neuman, Rasmussen, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 27

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Gage, Hager, Hofman, Jergeson, McCallum, McLane, Meyer, Pinsoneault, Smith, Stimatz, Tveit, Yellowtail.
Total 18

Excused: Galt, Lybeck.
Total 2

Absent or not voting: Haffey, Hammond, Keating.
Total 3

SB 98 - Senator Lynch moved that SB 98 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: None.
Total 0

HB 22 - Senator Neuman moved that HB 22 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: None.
Total 0

SB 64 - Senator Halligan moved that SB 64, second reading copy, be amended as follows:

1. Page 7, line 18.
Following: "state"
Insert: "or a foreign corporation authorized to do business in this state"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: None.
Total 0

Senator Halligan moved that SB 64, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in the Chair. Chairman Beck moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 43 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: Hammond, Keating.
Total 2

SB 93 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Galt, Lybeck.
Total 2

Absent or not voting: Hammond, Keating.
Total 2

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 26, 1987.

Motion carried.

Senate adjourned at 10:28 a.m.

GEORGE MCCALLUM
President Pro Tempore
of the Senate

BONNIE WALLEM
Secretary of the Senate

NINETEENTH LEGISLATIVE DAY

Helena, Montana
January 26, 1987

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Stimatz, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the seventeenth and eighteenth legislative days, find the same to be correct.

Manning, Vice-Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/26/87
Correctly printed and placed on the members' desks: SB 20, SB 23, SB 46, SB 102, SB 108, SB 119, SB 133.
Considered correctly engrossed: SB 2, SB 16, SB 75, SB 76, SB 88, SB 97, SB 98.
Correctly engrossed: SB 64.

Report adopted.

JUDICIARY (Mazurek, Chairman) 1/23/87
SB 96, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: "of"
Insert: ":"

2. Page 1, line 19.
Following: "~~misdemeanor~~"
Strike: "an"
Insert: "(a) a misdemeanor for a first"
Following: "conviction"
Strike: ":"

3. Page 1.
Following: line 19
Strike: "(a) of a first offense"

4. Page 1, line 23.
Following: "(b)"
Strike: "of"
Insert: "a felony for"
Following: "offense"
Strike: "shall"
Insert: "and upon conviction may"

5. Page 1, lines 23 and 24.
Following: "be" on line 23
Strike: remainder of line 23 through "be" on line 24

6. Page 1, line 24.
Following: "imprisoned"
Strike: "in the state prison"

7. Page 1, line 25.
Following: "not"

Strike: "less than 1 year"
Insert: "to exceed 10 years and may be fined an amount not to exceed $10,000"

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 1/26/87

Recommend that at the close of business January 24, 1987, employment of the following be terminated:

Lavurn Gagnon ..... Page
Nada Glass ..... Page
Kelly Clark ..... Page
Erica Cantrell ..... Page
Julie King ..... Page
Jennifer Morris ..... Page
Dana Conklin ..... Page
Kim Yellowtail ..... Page

Report adopted.

Recommend that at the beginning of business January 26, 1987, the following be employed:

Phillip Ohnstad ..... Page
Cristy Rose ..... Page
Matthew Gaghen ..... Page
Sherry Nolan ..... Page
Tracy Pfaff ..... Page
Briar Waterman ..... Page
Kelly Haffey ..... Page
Cindy Erving ..... Page
Shyrell Owen ..... Proofreader
Jim Fewer ..... Researcher to Republican Leadership

Report adopted.

Adverse Committee Report

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 1/23/87

SB 4, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hager.
Total 1

Excused: Stimatz.
Total 1

Absent or not voting: Hammond.
Total 1

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 92, introduced by Gilbert.

HB 99, introduced by Sales.

HB 109, introduced by Swysgood.

HB 116, introduced by J. Brown.

HB 117, introduced by M. Hanson.

HB 121, introduced by Kadas.

HB 166, introduced by Jones.

HB 170, introduced by Jones.

HB 175, introduced by Peterson.

HB 177, introduced by Jones.

HB 181, introduced by Nelson.

HB 190, introduced by Nelson.

HB 194, introduced by Miles.

HB 203, introduced by Spaeth.

HB 215, introduced by Corne'.

HB 226, introduced by Spaeth.

HB 227, introduced by Nelson.

HB 233, introduced by Bardanouve.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 210, introduced by Keating, Blaylock, Weeding, Eck. Referred to Committee on Business and Industry.

SB 221, introduced by Weeding, Schye, Poff. Referred to Committee on Natural Resources.

SB 222, introduced by Farrell (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

SB 228, introduced by Van Valkenburg (By Request of the Governor). Referred to Committee on Taxation.

SJR 8, introduced by Keating, Bardanouve. Referred to Committee on Public Health, Welfare, and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 92, introduced by Gilbert (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.

HB 99, introduced by Sales. Referred to Committee on Local Government.

HB 109, introduced by Swysgood, Campbell, Patterson, Daily, Thomas, Meyers, Jenkins, Anderson, Walker, Glaser. Referred to Committee on State Administration.

HB 116, introduced by J. Brown (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare, and Safety.

HB 117, introduced by Hanson, Nelson, B. Brown. Referred to Committee on Education and Cultural Resources.

HB 121, introduced by Kadas. Referred to Committee on Education and Cultural Resources.

HB 166, introduced by Jones, C. Smith. Referred to Committee on Labor and Employment Relations.

HB 170, introduced by Jones, C. Smith. Referred to Committee on Judiciary.

HB 175, introduced by Peterson (By Request of the Office of Public Instruction). Referred to Committee on Education and Cultural Resources.

HB 177, introduced by Jones, C. Smith. Referred to Committee on Business and Industry.

HB 181, introduced by Nelson, Peterson, Compton, Roth, Peck, Nisbet, Brandewie, Vincent, B. Brown, Donaldson, Eudaily (By Request of the Teachers' Retirement Board). Referred to Committee on State Administration.

HB 190, introduced by Nelson, Hanson, Darko, Hayne, Keller, Hannah. Referred to Committee on State Administration.

HB 194, introduced by Miles. Referred to Committee on Business and Industry.

HB 203, introduced by Spaeth, Rehberg, McLane. Referred to Committee on Business and Industry.

HB 215, introduced by Corne', Eudaily, Nelson, Vincent. Referred to Committee on State Administration.

HB 226, introduced by Spaeth, Harper, Grady, Miles, Donaldson (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 227, introduced by Nelson, Peterson, Compton, Corne', Peck, Nisbet, Eudaily, Vincent (By Request of the Teachers' Retirement Board). Referred to Committee on State Administration.

HB 233, introduced by Bardanouve (By Request of the Department of Administration). Referred to Committee on Finance and Claims.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Pinsoneault in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Stimatz present at this time.

SB 28 - Senator Lynch moved that SB 28 do pass. Senator Lynch made a substitute motion that consideration on SB 28 be passed. Substitute motion carried.

SB 40 - Senator Halligan moved that consideration on SB 40 be passed. Motion carried.

SB 110 - Senator Thayer moved that SB 110 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Pinsoneault moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 1 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: Thayer.
Total 1

SB 38 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Williams, Mr. President.
Total 40

Noes: Eck, Halligan, Manning, Neuman, Rasmussen, Severson, Vaughn, Walker, Weeding, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 113 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 123 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 124 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 125 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 12 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 48 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Gage, Hager, Himsl, Smith, Story, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Halligan, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Halligan moved that SB 40 be placed on second reading on the 22nd legislative day, 1/29/87. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 27, 1987.

Motion carried.

Senate adjourned at 4:05 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWENTIETH LEGISLATIVE DAY

Helena, Montana
January 27, 1987

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the nineteenth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/27/87
Correctly printed and placed on the members' desks: SB 96.
Considered correctly engrossed: SB 110.

Report adopted.

JUDICIARY (Mazurek, Chairman) 1/26/87
SB 58, do pass. Report adopted.
SB 114, do pass. Report adopted.
SB 134, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/26/87
SB 165, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 58, introduced by Keenan.

HB 80, introduced by J. Brown.

HB 126, introduced by Harper, et al.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 223, introduced by Eck, Keenan, Miles. Referred to Committee on Judiciary.
SB 224, introduced by Eck, Neuman. Referred to Committee on Taxation.
SB 225, introduced by Halligan. Referred to Committee on Judiciary.
SB 226, introduced by Halligan (By Request of the Juvenile Justice Commission). Referred to Committee on Judiciary.
SB 227, introduced by Haffey (By Request of the Department of Administration). Referred to Committee on Finance and Claims.
SB 229, introduced by Mazurek (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.
SB 230, introduced by Himsl, Bardanouve, Van Valkenburg, Gage (By Request of the Department of Administration). Referred to Committee on State Administration.
SB 231, introduced by Yellowtail. Referred to Committee on Education and Cultural Resources.

SB 232, introduced by Mazurek, B. Brown, Nathe, Peck, Jergeson, Hammond, Jacobson, Lory, Yellowtail, Keenan, Darko, Sands. Referred to Committee on Education and Cultural Resources.

SB 233, introduced by Keating, Nathe, Devlin. Referred to Committee on Natural Resources.

SB 234, introduced by Halligan (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

SB 235, introduced by B. Brown, Nelson. Referred to Committee on Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 58, introduced by Keenan. Referred to Committee on Judiciary.

HB 80, introduced by J. Brown. Referred to Committee on Business and Industry.

HB 126, introduced by Harper, Gould, Hager, Rasmussen, Hirsch, Vincent, Bachini, McCormick, Nisbet, Grady, McCallum, Rapp-Svrcek, Hansen, Roth, Strizich, Stang, Poulsen, Bulger, Miller, Cody, McLane, Stratford, Simon, Gilbert, Hoffman, Swift, Thayer, B. Brown, Patterson, Mercer, Eudaily, Lory, O'Connell, J. Brown, Kitselman, Darko, Moore, Jenkins, Whalen, Schye, Compton, Miles, Pavlovich, Lybeck, Yellowtail, Bradley, Kennerly, Jones, C. Smith, Nelson, Brandewie, D. Brown, Phillips, Rehberg, Keenan, Cobb, Pistoria, Marks, Kadas, Addy, Harding, Cohen, Halligan, Peterson, DeMars, Swysgood, Keller, Asay, Crippen, Holliday, Ream, Lynch. Referred to Committee on Public Health, Welfare, and Safety.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Anderson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 6 - Senator Lybeck moved that SB 6 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 28 - Senator Lynch moved that SB 28, second reading copy, be amended as follows:

1. Page 5.
Following: line 9
Insert: "Title 7, chapter 13, parts 21 and 41, and"

2. Page 5, lines 11 and 12.
Following: "provisions of" on line 11
Strike: remainder of line 11 through "41, and" on line 12

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch moved that SB 28, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 31 - Senator Jacobson moved that SB 31 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48 - Senator Brown moved that SB 48 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 49 - Senator Thayer moved that SB 49 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 55 - Senator Story moved that SB 55 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Vaughn.
Total 31

Noes: Abrams, Blaylock, Haffey, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Neuman, Severson, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

SB 84 - Senator Thayer moved that SB 84 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 112 - Senator Mazurek moved that SB 112 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 122 - Senator Crippen moved that SB 122 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 129 - Senator Manning moved that SB 129 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 153 - Senator Walker moved that SB 153 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Anderson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 2 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: McCallum, Smith, Tveit.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 16 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 64 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Neuman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 75 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 76 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 88 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Crippen, Eck, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 97 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad, Beck, Farrell, Gage, Keating, McCallum, Smith, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 98 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 22 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Mazurek, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Mazurek moved that SB 96 be taken from second reading and rereferred to the Committee on Judiciary. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 28, 1987.

Motion carried.

Senate adjourned at 5:08 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana
January 28, 1987

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twentieth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/28/87
Correctly printed and placed on the members' desks: SB 58, SB 114, SB 134, SB 165.
Correctly engrossed: SB 28.
Considered correctly engrossed: SB 6, SB 31, SB 48, SB 49, SB 55, SB 84, SB 112, SB 122, SB 129, SB 153.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/27/87
SB 156, introduced bill, be amended as follows:

1. Title, line 10.
Strike: "DELETE REQUIREMENT"
Insert: "PROVIDE"
Following: "THE"
Strike: "WINNER"
Insert: "WINNERS"
Following: "RECEIVE A"
Strike: "100"
Insert: "95"

2. Page 2, line 25.
Following: "~~pool~~."
Insert: "The winners of any sports pool shall receive a 95% payout of the value of the sports pool."

And, as amended, do pass. Report adopted.

HB 122, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 1/27/87
SB 144, introduced bill, be amended as follows:

1. Page 2, line 11.
Following: "defect"
Insert: "or is not considered a danger to himself or others"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/27/87
SB 149, do pass. Report adopted.
SB 167, introduced bill, be amended as follows:

1. Page 2, lines 7 and 8.
Following: "house"

Strike: "or by conference committees"

2. Page 2, line 12.
Following: "house"
Strike: "or by a conference committee"

3. Page 2, line 18 through line 1, page 3.
Strike: section 4 in its entirety
Insert: "Section 4. Public notice — special session — conference committees. (1) If the legislature is called into special session or if a conference committee is called during a regular or special session, reasonable public notice must be given prior to consideration of a bill or resolution.

(2) As used in this section, "reasonable public notice" means that the time, place, and subject matter of a bill or resolution are read from the rostrum and posted in a central location set aside for this purpose in the state capitol."

And, as amended, do pass. Report adopted.

SB 168, introduced bill, be amended as follows:

1. Title, line 5.
Following: "RESOLUTIONS"
Strike: "ON SUBJECTS SPECIFIED"
Insert: "SUBMITTED BY THE GOVERNOR"
Following: "IN"
Strike: "THE"
Insert: "A"

2. Page 1, line 11.
Following: "session,"
Strike: "all" through "call" on line 13
Insert: "a draft of all bills and resolutions submitted by the governor after his call"

3. Page 1, lines 13 and 14.
Following: "session" on line 13
Strike: "or the legislature's call for a special session"

And, as amended, do pass. Report adopted.

Adverse Committee Report

STATE ADMINISTRATION (Haffey, Chairman) 1/26/87
SB 191, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Boylan, Galt.
Total 2

Excused: None.
Total 0

Absent or not voting: Jergeson, Regan, Story.
Total 3

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 73, introduced by Bradley.

HB 79, introduced by J. Brown.

HB 131, introduced by Ellison.

HB 152, introduced by Bardanouve.

HB 159, introduced by Brandewie.

HB 184, introduced by Brandewie.

MOTIONS

Senator Van Valkenburg moved that the Senate recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:09 p.m.

Senate reconvened at 3:33 p.m.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 236, introduced by Walker, McLane, Keenan, Lynch, O'Connell (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.
SB 237, introduced by Boylan, McCallum, Kolstad. Referred to Committee on Business and Industry.
SB 238, introduced by Beck, Anderson, Hofman, Meyer, Hirsch, Grady, Campbell, Swysgood. Referred to Committee on Agriculture, Livestock, and Irrigation.
SB 239, introduced by Hirsch, Story, Beck, Corne', Keating. Referred to Committee on Business and Industry.
SB 240, introduced by Walker, Nisbet, O'Connell, Lynch, Meyer, Squires, Rasmussen, Harding. Referred to Committee on State Administration.
SB 241, introduced by Keating, Sands, Gage, Mercer (By Request of the Department of Justice). Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 73, introduced by Bradley (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.
HB 79, introduced by J. Brown (By Request of the Department of Revenue). Referred to Committee on Judiciary.
HB 131, introduced by Ellison. Referred to Committee on Fish and Game.
HB 152, introduced by Bardanouve (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
HB 159, introduced by Brandewie, Schye, Glaser (By Request of the Department of Commerce). Referred to Committee on Local Government.
HB 184, introduced by Brandewie, Mercer (By Request of the Department of Agriculture). Referred to Committee on Agriculture, Livestock, and Irrigation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lybeck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 3 - Senator Keating moved that SB 3 do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 22

Noes: Abrams, Bengtson, Blaylock, Boylan, Brown, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 20 - Senator Halligan moved that SB 20 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 23 - Senator Halligan moved that SB 23 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 46 - Senator Neuman moved that SB 46 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Beck, Gage, Hager, Harding, Hofman, Keating, Story.
Total 8

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

SB 102 - Senator Story moved that SB 102 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 - Senator Bishop moved that SB 108 do pass. Motion failed as follows:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Keating, Kolstad, Lybeck, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story.
Total 23

Noes: Abrams, Aklestad, Beck, Eck, Haffey, Halligan, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Excused: None.

Total 0

Absent or not voting: Tveit.
Total 1

SB 119 - Senator Halligan moved that SB 119 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 133 - Senator Bishop moved that SB 133 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lybeck moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 110 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: Lynch.
Total 1

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved to temporarily suspend the temporary rules for the purpose of allowing the introduction of revenue bills delivered prior to this legislative day until 1 hour after the Senate adjourns this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Rasmussen.
Total 1

Senator Eck moved that HB 82 be taken from the Committee on Public Health, Welfare, and Safety and rereferred to the Committee on Judiciary. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 29, 1987.

Motion carried.

Senate adjourned at 5:48 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana
January 29, 1987

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-first legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/29/87
Correctly printed and placed on the members' desks: SB 144, SB 149, SB 156, SB 167, SB 168.
Considered correctly engrossed: SB 3, SB 20, SB 23, SB 46, SB 102, SB 108, SB 119, SB 133.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/28/87
SB 182, do pass. Report adopted.
SB 186, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 1/28/87
SB 96, introduced bill, be amended as follows:

1. Page 1, lines 18 through 20.
Following: "of"
Strike: remainder of line 18 through "FIRST" on line 20
Insert: "an"

2. Page 1, line 20.
Following: "upon"
Insert: "a first"

3. Page 1, line 24.
Following: "both"
Strike: ":"
Insert: ","

4. Page 1.
Following: line 24
Strike: line 25, page 1 through "AND" on line 1, page 2

5. Page 2, line 1.
Following: "UPON"
Insert: "a second or succeeding"

And, as amended, do pass. Report adopted.

SB 104, do pass. Report adopted.
SB 190, do pass. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 1/28/87
SB 135, introduced bill, be amended as follows:

1. Page 2, line 10.

Following: ".."
Insert: "that must be recorded in both the certificate of survey and the index of subdivision plats provided for in 76-3-613"

2. Page 2, line 12.
Following: "between"
Strike: "a single lot"
Insert: "five or fewer lots"

3. Page 2, line 14.
Following: "subdivision"
Insert: "that must be recorded in both the certificate of survey and the index of subdivision plats provided for in 76-3-613"

And, as amended, do pass. Report adopted.

SB 141, do pass. Report adopted. 1/27/87

STATE ADMINISTRATION (Haffey, Chairman) 1/28/87
SB 197, do pass. Report adopted.
HB 106, be concurred in. Report adopted. 1/29/87
HB 132, be concurred in. Report adopted. 1/28/87
HB 140, be concurred in. Report adopted.
HB 153, be concurred in. Report adopted.
HB 158, be concurred in. Report adopted. 1/29/87
HB 176, be concurred in. Report adopted. 1/28/87

TAXATION (McCallum, Chairman) 1/28/87
SB 145, do pass. Report adopted.
SB 146, introduced bill, be amended as follows:

1. Page 2, line 7.
Following: "least"
Strike: "annually"
Insert: "biennially"

And, as amended, do pass. Report adopted.

SB 147, introduced bill, be amended as follows:

1. Title, line 6.
Following: "REMIT"
Insert: "INHERITANCE TAX COLLECTIONS, THE $3 FEE FOR FILING A SECURITY INTEREST AGAINST A MOTOR VEHICLE, THE $3 FEE FOR ISSUANCE OF A CERTIFIED COPY OF A CERTIFICATE OF OWNERSHIP SUBJECT TO A SECURITY INTEREST, AND"

2. Title, line 8.
Following: "REGISTRATION"
Strike: "AND INHERITANCE TAX COLLECTIONS"

3. Title, line 10.
Following: "SECTIONS"
Insert: "61-3-103,"
Following: "61-3-203"
Insert: ","

4. Page 1.
Following: line 12
Insert: "Section 1. Section 61-3-103, MCA, is amended to read:

"61-3-103. Filing of security interests, rights, procedure, fees. (1) No security interest in a motor vehicle shall be valid as against creditors, subsequent purchasers, or encumbrancers unless a lien notice,

on a form approved by the department, that shows a security interest has been created, has been filed with the department as provided in this section. The department shall not file any security interest or other lien unless it is accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form is transmitted to the department, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete vehicle description, amount of lien, and is signed by the debtor. The department shall file the security interest or lien by entering the name and address of the secured party upon the face of the certificate of ownership. The department shall mail a statement certifying to the filing of a security interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer where the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess such motor vehicle.

(2) A security interest in a motor vehicle held as inventory by a dealer licensed under the provisions of 61-4-101, must be perfected in accordance with Title 30, chapter 9, and no endorsement on the certificate of title is necessary for perfection.

(3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security interests previously perfected by filing under this section, the department shall endorse on the face of the certificate of ownership, "NOTICE. This motor vehicle is subject to additional security interests on file with the Department of Justice." No other information regarding such additional security interests need be endorsed on the certificate.

(4) Satisfactions or statements of release filed with the department under this chapter shall be retained by it for a period of 8 years after receipt, after which they may be destroyed.

(5) The filing of a security interest or other lien, as herein provided, perfects a security interest which has attached at the time the certificate of ownership noting such interest is issued. Issuance of a certificate of ownership constitutes constructive notice to subsequent purchasers or encumbrancers, from the time of filing, of the existence of the security interest.

(6) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles all the provisions of 27-18-413, 27-18-414, and 27-18-804 shall be applicable except that deposits must be made with the department.

(7) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment shall be required to pay the department the sum of $1 for each day thereafter that he fails to file such satisfaction.

(8) Upon receipt of any liens, or notice of liens dependent on possession, or attachments, etc., against the record of any motor vehicle registered in this state, the department shall within 24 hours mail to the owner, conditional sale vendor, mortgagees, or assignees of any thereof a notice showing the name and address of the lien claimant, amount of the lien, date of execution of lien, and in the case of attachment the full title of the court and the action and the name of the attorneys for the plaintiff and/or attaching creditor.

(9) It shall not be necessary to refile with the department any instruments on file in the offices of the county clerk and recorders at the time this law takes effect.

(10) A fee of $3 shall be paid to the department to file any security interest or other lien against a motor vehicle. The $3 fee shall include and cover the cost of filing a satisfaction or release of the security interest and also the cost of entering such satisfaction or release on the records of the department and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of $3 shall be paid the department for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department, or for filing an assignment of any security interest or other lien on file with the department. All fees provided for in this section shall be ~~deposited by the department~~ paid to the county treasurer for deposit in the motor vehicle recording account of the state special revenue fund in accordance with 15-1-504.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

Adverse Committee Reports

FISH AND GAME (Smith, Chairman) 1/27/87

SB 81 - Committee adopted the following statement of intent:

Statement of Intent
SB 81

A statement of intent is required for this bill because it grants rulemaking authority to the fish and game commission with regard to the commercial taking of the game fish cisco.

It is the intent of the legislature that the fish and game commission will only allow commercial fishing of cisco when there is conclusive evidence that supply of cisco exceeds the forage requirements of such game fish as walleye, salmon, and northern pike.

Do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 41

Noes: Halligan, Jacobson, Jergeson, Lynch, Mazurek, Van Valkenburg, Weeding, Yellowtail.
Total 8

Excused: None.

Total 0

Absent or not voting: Pinsoneault.
Total 1

STATE ADMINISTRATION (Haffey, Chairman) 1/27/87
SB 132, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, McCallum, McLane, Meyer, Severson, Story, Thayer, Tveit, Williams.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 211, introduced by Devlin.

HB 331, introduced by Bradley.

MOTIONS

Senator Weeding moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 81 this legislative day. Motion failed as follows:

Ayes: Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Mazurek, Neuman, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 18

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Manning, McCallum, McLane, Meyer, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Walker.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 242, introduced by Lynch (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

SB 243, introduced by Vaughn, Lybeck, Darko, Peterson, Harper, Anderson, Lynch, E. Smith, Menahan, Jones, Brandewie, C. Smith. Referred to Committee on Fish and Game.

SB 244, introduced by Yellowtail. Referred to Committee on Business and Industry.

SB 245, introduced by Kolstad, Meyer, McCallum, Lynch, Galt, B. Williams, E. Smith, Gage, Bishop, Thayer, Weeding, Jenkins, Iverson, Peck, Bachini, Walker. Referred to Committee on Business and Industry.

SB 246, introduced by Bengtson, Himsl, Winslow, Keating, Bardanouve, J. Brown, Regan, M. Williams, Addy, Eck, Hanson, Devlin, Van Valkenburg, Weeding, Hager, Darko, E. Smith, Switzer, Bradley, Menahan, Lynch (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare, and Safety.

SB 247, introduced by Meyer, Brandewie, Miller (By Request of the State Auditor and Securities Commissioner). Referred to Committee on Business and Industry.

SB 248, introduced by Meyer, J. Brown, Cohen (By Request of the State Auditor). Referred to Committee on Public Health, Welfare, and Safety.

SB 249, introduced by Blaylock. Referred to Committee on Judiciary.

SB 250, introduced by McLane, Meyer, Hager, Beck, Galt, Spaeth, Keller, Bishop, Campbell, Jenkins, Walker, Bengtson, Boylan, D. Brown, Hannah, Miller (By Request of the State Auditor). Referred to Committee on Business and Industry.

SB 251, introduced by Regan, Addy. Referred to Committee on Public Health, Welfare, and Safety.

SB 252, introduced by Regan, Himsl, Miles, Grady, Pistoria, Manning. Referred to Committee on Public Health, Welfare, and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 211, introduced by Devlin. Referred to Committee on Fish and Game.

HB 331, introduced by Bradley. Referred to Committee on Agriculture, Livestock, and Irrigation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hofman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 40 - Senator Halligan moved that SB 40 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hofman moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 6 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 28 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hammond.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 31 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 49 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 55 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Story, Thayer, Tveit, Weeding.
Total 32

Noes: Bishop, Blaylock, Haffey, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Neuman, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 84 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 112 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 122 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 129 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 153 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., January 30, 1987.

Motion carried.

Senate adjourned at 3:55 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana
January 30, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-second legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/30/87
Correctly printed and placed on the members' desks: SB 96, SB 104, SB 135, SB 141, SB 145, SB 146, SB 147, SB 182, SB 186, SB 190, SB 197.
Considered correctly engrossed: SB 40.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/29/87
HB 30, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman) 1/29/87
SB 109, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 109

This bill requires a statement of intent because section 1 authorizes the fish and game commission to establish rules for the use of the license to be auctioned and for the conduct of the auction.

It is the intent of the legislature that the commission, in drafting rules, shall consult with any other states which have similar legislation. The commission shall strive to maximize revenue generated by the auction and for that purpose shall select the method of auction which it determines will best attain that objective.

Because revenue from the auction of the license is not predictable, it is the intent of the legislature that the department shall use such money only for special projects related to moose research, management, and habitat improvement, and such funds may not be budgeted or used in place of funds regularly appropriated by the legislature for moose-related purposes.

SB 139, introduced bill, be amended as follows:

1. Page 2, line 10.
Following: "clubs,"
Insert: "landowners or their tenants,"

2. Page 4, line 6.
Following: "condition;"
Insert: "and"

3. Page 4, line 7.
Following: "in the"

Insert: "mechanical"

4. Page 4, lines 8 through 10.
Following: "snowmobile"
Strike: remainder of line 8 through "area" on line 10

5. Page 5, line 15.
Following: "landowner"
Insert: " or tenant"

6. Page 5, line 19.
Following: "department"
Insert: ", the landowner, or the landowner's tenant"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 1/29/87
SB 118, do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 1/23/87
SB 105, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/29/87
HJR 2, third reading copy, be amended as follows:

1. Page 2, line 16.
Following: "servicemen"
Insert: "and servicewomen"

2. Page 2, line 22.
Following: "servicemen"
Insert: "and servicewomen"

3. Page 3, line 3.
Following: "MEN"
Strike: "WHO FOUGHT FOR"
Insert: "and women who served"

And, as amended, be concurred in. Report adopted.

Adverse Committee Report

TAXATION (McCallum, Chairman) 1/28/87
SB 89, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Hammond, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Gage, Galt, Harding, Hofman, Keating, Kolstad, McLane, Smith, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 196, introduced by Miles.

HB 197, introduced by Grady.

HB 218, introduced by Brandewie.

HB 230, introduced by M. Hanson.

HB 280, introduced by M. Hanson.

HB 290, introduced by Spaeth.

HB 311, introduced by Kadas.

HB 312, introduced by S. Hansen.

MOTIONS

Senator Boylan moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 132 on the 22nd legislative day. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, McLane, Meyer, Severson, Story, Thayer, Tveit, Williams.
Total 19

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 253, introduced by Himsl, Regan (By Request of the Legislative Finance Committee). Referred to Committee on Finance and Claims.

SB 254, introduced by Walker, Meyer, Manning (By Request of the State Auditor). Referred to Committee on Business and Industry.

SB 255, introduced by Jacobson, Quilici, Winslow, Keating. Referred to Committee on Local Government.

SB 256, introduced by Jacobson, Russell (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.

SB 257, introduced by Thayer, Harp, Lynch, Farrell, Campbell, Harrington, J. Brown, Boylan, Quilici, Blaylock, Hannah. Referred to Committee on Business and Industry.

SB 258, introduced by B. Brown, Giacometto, Mazurek, Bishop, Kadas (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.

SB 259, introduced by Rasmussen. Referred to Committee on Local Government.

SB 260, introduced by Harding, Vaughn (By Request of the Secretary of State). Referred to Committee on State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 196, introduced by Miles, Gould, Daily, Bulger. Referred to Committee on Public Health, Welfare, and Safety.
HB 197, introduced by Grady. Referred to Committee on Judiciary.
HB 218, introduced by Brandewie, Mercer, Darko, Nelson. Referred to Committee on Business and Industry.
HB 230, introduced by M. Hanson (By Request of the Department of State Lands). Referred to Committee on Natural Resources.
HB 280, introduced by M. Hanson, Giacometto, Thomas. Referred to Committee on Local Government.
HB 290, introduced by Spaeth, McLane. Referred to Committee on Natural Resources.
HB 311, introduced by Kadas. Referred to Committee on Local Government.
HB 312, introduced by Hansen, Hoffman, Kadas, Squires, Stang. Referred to Committee on Local Government.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Boylan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 58 - Senator Pinsoneault moved that SB 58 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Regan, Smith, Stimatz, Story, Thayer, Vaughn, Weeding, Williams.
Total 37

Noes: Haffey, Himsl, Lynch, Neuman, Van Valkenburg, Walker, Yellowtail.
Total 7

Excused: None.
Total 0

Absent or not voting: Boylan, Jacobson, Rasmussen, Severson, Tveit, Mr. President.
Total 6

SB 114 - Senator Thayer moved that SB 114 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Neuman.

Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Neuman excused at this time.

SB 134 - Senator Beck moved that SB 134 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SB 165 - Senator McCallum moved that SB 165 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 27 - Senator Story moved that HB 27 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 38

Noes: Bishop, Blaylock, Gage, Harding, Himsl, Hofman, Keating, Rasmussen, Severson, Weeding.

Total 10

Excused: Neuman.
Total 1

Absent or not voting: Boylan.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Boylan moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3 failed to pass as follows:

Ayes: Aklestad, Anderson, Beck, Crippen, Farrell, Gage, Galt, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 20

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SB 20 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Farrell.
Total 1

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SB 23 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit,

Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hammond, Thayer.
Total 2

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Neuman present at this time.

SB 46 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Gage, Keating, Story.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 102 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 108 failed to pass as follows:

Ayes: Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Keating, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Tveit.
Total 21

Noes: Abrams, Aklestad, Beck, Bengtson, Eck, Haffey, Halligan, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning,

Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 119 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: Himsl, Yellowtail.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 133 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of Senator Aklestad, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Aklestad moved that SB 10 be taken from the Committee on Labor and Employment Relations and printed and placed on second reading on the 26th legislative day, 2/3/87. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 27

Noes: Abrams, Bengtson, Bishop, Blaylock, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch moved that HB 170 be taken from the Committee on Judiciary and rereferred to the Committee on Labor and Employment Relations. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., January 31, 1987.

Motion carried.

Senate adjourned at 4:51 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana
January 31, 1987

Senate Chambers
State Capitol

Senate convened at 9:04 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Beck, Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-third legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 1/31/87
Correctly printed and placed on the members' desks: SB 10, SB 105, SB 109, SB 118, SB 139.
Considered correctly engrossed: SB 58, SB 114, SB 134, SB 165.

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 1/30/87
HB 61, be concurred in. Report adopted.
HB 91, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/29/87
SB 140, do pass. Report adopted.
SB 188, introduced bill, be amended as follows: 1/28/87

1. Title, line 7.
Following: "SUBPOENA"
Insert: "BY A COURT OR CRIMINAL JUSTICE AGENCY"

2. Page 1, line 22.
Strike: "government entity pursuant to statutory authority"
Insert: "criminal justice agency as defined in 44-5-103"

3. Page 1.
Following: line 24
Insert: "(2) Compliance with such subpoena relieves a financial institution and its employees of liability to a customer or other person for such disclosure."
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 202, do pass. Report adopted. 1/30/87
HB 31, be concurred in. Report adopted. 1/29/87

JUDICIARY (Mazurek, Chairman) 1/30/87
SB 121, introduced bill, be amended as follows:

1. Page 1, line 10.
Following: "liability —"
Strike: "defectiveness"
Insert: "defect in design"

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 1/31/87

Recommend that at the end of business January 31, 1987, employment of the following be terminated:

Phillip Ohnstad.....Page
Cristy Rose.....Page
Matthew Gaghen.....Page
Sherry Nolan.....Page
Tracy Pfaff.....Page
Briar Waterman.....Page
Kelly Haffey.....Page
Cindy Erving.....Page

Report adopted.

NATURAL RESOURCES (Keating, Chairman) 1/30/87

SB 92, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 1/30/87

SB 230, introduced bill, be amended as follows:

1. Title, line 8.
Following: "SUCH BONDS;"
Insert: "ESTABLISHING A FEE TO FUND A PORTION OF THE COMPREHENSIVE ANNUAL FINANCIAL REPORT AUDIT;"

2. Page 3.
Following: "subsection" on line 18
Strike: "(4)"
Insert: "(5)"
Following: line 19
Insert: "(2) As a condition of receiving an allocation, each state issuer, upon issuance of the bonds, shall pay 30 cents per thousand of bonds to be deposited in the state general fund for the purpose of funding a portion of the comprehensive annual financial report audit."
Renumber: subsequent subsections

3. Page 9.
Following: line 2
Insert: "Section 13. Fee for issuance of bonds. Except for issuers of general obligation bonds which are payable solely by general fund revenues, each state bond issuer shall, upon issuance of the bonds, pay 30 cents per thousand of bonds to be deposited in the state general fund for the purpose of funding a portion of the comprehensive annual financial report audit."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 109, be concurred in. Report adopted.
HB 181, be concurred in. Report adopted.
HB 190, be concurred in. Report adopted.
HB 215, be concurred in. Report adopted.
HB 226, be concurred in. Report adopted.
HB 227, be concurred in. Report adopted.

Adverse Committee Report

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 1/29/87

SB 157, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Hofman, McCallum.
Total 2

Excused: Beck, Severson.
Total 2

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 114, introduced by Addy.

HB 133, introduced by Williams.

HB 136, introduced by Driscoll.

HB 141, introduced by Bardanouve.

HB 142, introduced by Harper.

HB 172, introduced by Squires.

HB 200, introduced by Miles.

HB 208, introduced by Addy.

HB 223, introduced by Bardanouve.

HB 224, introduced by Spaeth.

HB 225, introduced by Spaeth.

HB 231, introduced by Fritz.

HB 242, introduced by Harper.

HB 251, introduced by Cobb.

HB 265, introduced by Phillips.

HB 391, introduced by Thoft.

HJR 5, introduced by Grady.

MOTIONS

Senator Pinsoneault moved that SB 17 be taken from the Committee on Finance and Claims and rereferred to the Committee on Public Health, Welfare, and Safety. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Meyer in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 144 - Senator Blaylock moved that SB 144 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Beck, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 149 - Senator Manning moved that SB 149 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Boylan, Hammond.
Total 2

Excused: Beck, Severson.
Total 2

Absent or not voting: Story.
Total 1

SB 156 - Senator Manning moved that SB 156 do pass. Senator Thayer made a substitute motion that SB 156, second reading copy, be amended as follows:

1. Page 3, line 1.
Following: "RECEIVE"
Insert: "at least"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Beck, Severson.
Total 2

Absent or not voting: None.
Total 0

Senator Manning moved that SB 156, as amended, do pass. Motion failed as follows:

Ayes: Boylan, Crippen, Haffey, Hirsch, Jacobson, Kolstad, Lynch, Manning, Meyer, Stimatz, Thayer, Van Valkenburg, Walker, Williams, Mr. President.
Total 15

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jergeson, Keating, Lybeck, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Story, Tveit, Vaughn, Weeding, Yellowtail.
Total 33

Excused: Beck, Severson.
Total 2

Absent or not voting: None.
Total 0

Senator Aklestad moved that SB 156 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jergeson, Keating, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Story, Thayer, Tveit, Vaughn, Weeding, Yellowtail, Mr. President.
Total 35

Noes: Boylan, Galt, Haffey, Halligan, Hirsch, Jacobson, Kolstad, Lynch, Manning, Stimatz, Van Valkenburg, Walker, Williams.
Total 13

Excused: Beck, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 167 - Senator Eck moved that SB 167 do pass. Senator Eck made a substitute motion that consideration on SB 167 be passed. Substitute motion failed as follows:

Ayes: Abrams, Blaylock, Boylan, Crippen, Eck, Haffey, Hager, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 21

Noes: Aklestad, Anderson, Bengtson, Bishop, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Rasmussen, Smith, Story, Thayer, Tveit, Weeding, Mr. President.
Total 24

Excused: Beck, Severson.
Total 2

Absent or not voting: Brown, Meyer, Pinsoneault.
Total 3

Senator Eck moved that SB 167 do pass. Motion failed as follows:

Ayes: Abrams, Boylan, Eck, Haffey, Jacobson, Jergeson, Lynch, Regan, Stimatz, Vaughn, Walker, Yellowtail.
Total 12

Noes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Smith, Story, Thayer, Tveit, Van Valkenburg, Weeding, Mr. President.
Total 34

Excused: Beck, Severson.
Total 2

Absent or not voting: Meyer, Williams.
Total 2

Senator Aklestad moved that SB 167 be indefinitely postponed. Motion failed as follows:

Ayes: Anderson, Bengtson, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, McCallum, McLane, Pinsoneault, Rasmussen, Story, Thayer, Tveit, Mr. President.
Total 23

Noes: Abrams, Aklestad, Blaylock, Boylan, Eck, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 24

Excused: Beck, Severson.
Total 2

Absent or not voting: Meyer.
Total 1

Senator Lynch moved that consideration on SB 167 be passed for the day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Beck, Severson.
Total 2

Absent or not voting: None.

Total 0

SB 168 - Senator Eck moved that SB 168 do pass. Motion failed as follows:

Ayes: Abrams, Boylan, Eck, Haffey, Halligan, Jacobson, Jergeson, Regan, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 13

Noes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 33

Excused: Beck, Severson.
Total 2

Absent or not voting: Meyer, Smith.
Total 2

Senator Lynch moved that SB 168 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Mr. President.
Total 35

Noes: Abrams, Boylan, Eck, Haffey, Halligan, Jacobson, Jergeson, Regan, Vaughn, Williams, Yellowtail.
Total 11

Excused: Beck, Severson.
Total 2

Absent or not voting: Meyer, Smith.
Total 2

HB 122 - Senator Thayer moved that HB 122 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Beck, Severson.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the

Chair. Chairman Meyer moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 40 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Bishop.
Total 1

Excused: Beck, Severson.
Total 2

Absent or not voting: Smith.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

COMMITTEES (Galt/Mazurek, Co-Chairmen) 1/31/87

We, your Committee on Committees, hereby remove from the Business and Industry Committee: Delwyn Gage.

We, your Committee on Committees, hereby appoint to the Business and Industry Committee: Tom Hager.

Report adopted.

MOTIONS

Senator Eck moved that SB 167 be rereferred to the Committee on State Administration. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 2, 1987.

Motion carried.

Senate adjourned at 11:16 a.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 2, 1987

Senate Chambers
State Capitol

Senate convened at 3:06 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Blaylock, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-fourth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/2/87
Correctly printed and placed on the members' desks: SB 92, SB 121, SB 140, SB 188, SB 202, SB 230.
Considered correctly engrossed: SB 144, SB 149.
Signed by the President at 11:30 a.m., 1/31/87: HB 11, HB 12, HB 22, HB 34, HB 48, HB 50, HB 63.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 1/30/87
SB 79, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "COMPLIANCE WITH THE STATE FIRE MARSHAL'S RULES ON"

2. Title, line 7.
Following: "SECTIONS"
Insert: "15-7-305 AND"

3. Title, line 8.
Strike: "AND 70-21-201"

4. Page 1, lines 12 and 13.
Strike: "— inspection of residence upon request"

5. Page 1, line 17.
Strike: ":"
Insert: ","

6. Page 1, line 18.
Strike: "(a)"

7. Page 1, line 19 through line 6, page 2.
Following: "dwelling" on line 19
Strike: remainder of subsections (1) and (2) in their entirety
Insert: "is equipped with smoke detection equipment."
Renumber: subsequent subsection

8. Page 2, line 7.
Following: "A"
Strike: "certificate"
Insert: "certification"

9. Page 2, line 8.

Following: "be"
Strike: "attached to"
Insert: "noted upon the realty transfer certificate that is submitted to the county clerk and recorder with"

10. Page 2, lines 10 and 11.
Following: "if" on line 10
Strike: remainder of line 10 through "certificate" on line 11
Insert: "the certification is not noted on the realty transfer certificate"

11. Page 2.
Following: line 11
Insert: "(3) A seller is not liable in a civil action for failure to comply with, or negligence in complying with, the requirements of this section. Evidence of such failure or negligence is not admissible in a civil action."

12. Page 3.
Following: line 7
Strike: section 3 in its entirety
Insert: "Section 3. Section 15-7-305, MCA, is amended to read:

"15-7-305. Certificate of county clerk and recorder. (1) The county clerk and recorder shall cause to be executed by the parties to the transaction or their agents or representatives a certificate declaring the consideration paid or to be paid for the real estate transferred.

(2) (a) No instrument or deed evidencing a transfer of real estate may be accepted for recordation until the certificate has been received by the county clerk and recorder. The certificate must contain the notation required by [section 1].

(b) The validity or effectiveness of an instrument or deed as between the parties to it shall not be affected by the failure to comply with the provisions in this part.

(3) The form of certificate shall be prescribed by the department of revenue, and the department shall provide an adequate supply of such forms to each county clerk and recorder in the state.

(4) The clerk and recorder shall prepare a like certificate for each contract for deed filed for recording.

(5) The clerk and recorder shall transmit each executed certificate to the department.""

13. Page 3, line 23 through line 1, page 4.
Strike: section 4 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 130, introduced bill, be amended as follows:

1. Title, line 6.
Following: "ON"
Insert: "CERTAIN"

2. Page 2, line 10.
Following: "travers;"
Insert: "and"

3. Page 2, line 11.

Following: "futurity"
Strike: "; and"
Insert: "."

4. Page 2, lines 12 and 13.
Strike: subsection (f) in its entirety

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 2/2/87
Recommend that at the beginning of business February 2, 1987, the following be employed:

Allison Courtney ..... Page
Maret Swick ..... Page
Paul Vis ..... Page
Susan Lindquist ..... Page
Amy Gross ..... Page
Paula Steinbeisser ..... Page
Shelly Verwolf ..... Page
Sandy Swanson ..... Page
Nadine Oberg ..... Secretary to Democratic Floor Leader

Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 1/30/87
SB 180, introduced bill, be amended as follows:

1. Page 1, lines 22 and 23.
Following: "apply" on line 22
Strike: remainder of line 22 through "that" on line 23
Insert: "when"

2. Page 1, line 24.
Following: "transferred"
Strike: "is a tract"
Insert: "was"
Following: "1973"
Insert: ", and the instrument of transfer for the parcel or tract includes a reference to a previously recorded instrument or is accompanied by documents that demonstrate that the parcel or tract existed before July 1, 1973"

3. Page 1.
Following: line 24
Insert: "(3) The reference or documents required in subsection (2) do not constitute a legal description of the property and may not be substituted for a legal description of the property."

And, as amended, do pass. Report adopted.

HB 103, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/2/87
SB 236, do pass. Report adopted.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:11 p.m.

Senate reconvened at 3:22 p.m.

Members of the Education Committee present at this time.

SPECIAL ORDERS OF THE DAY

Senator Walker introduced the Sports News Service Coach of the Year from C.M. Russell High School, Coach Jack Johnson and his wife, Rosann.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

Adverse Committee Report

NATURAL RESOURCES (Keating, Chairman) 1/30/87
SB 208, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: Neuman, Rasmussen.
Total 2

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 161, introduced by Meyers.

HB 179, introduced by Jones.

HB 186, introduced by Nathe.

HB 198, introduced by Roth.

HB 239, introduced by Brandewie.

HB 244, introduced by Peterson.

HB 254, introduced by Thomas.

HB 257, introduced by Brandewie.

HB 278, introduced by Grady.

HB 349, introduced by Hannah.

HB 360, introduced by DeMars.

HJR 6, introduced by Schye.

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments:

SJR 6, introduced by Van Valkenburg.

MOTIONS

Senator Regan moved that SB 252 be taken from the Committee on Public Health, Welfare, and Safety and rereferred to the Committee on Judiciary. Motion carried.

Senator Pinsoneault moved that consideration on SB 104 be passed until the 26th legislative day. Motion carried.

Senator Lynch moved that HB 158 be taken from second reading this day and rereferred to the Committee on State Administration. Motion carried.

Senator Hammond moved that the Senate temporarily suspend the temporary rules to allow introduction of LC 912 (SB 274). Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: Beck, Smith.
Total 2

Senator Manning moved that the Senate reconsider its action in indefinitely postponing SB 156 on the 24th legislative day. Motion failed as follows:

Ayes: Blaylock, Boylan, Crippen, Eck, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, Neuman, Regan, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 19

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Lybeck, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Thayer, Tveit, Vaughn, Weeding.
Total 29

Excused: Stimatz.
Total 1

Absent or not voting: Story.
Total 1

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 261, introduced by B. Brown, Gage, Lynch, Hofman, Haffey, Weeding. Referred to Committee on Judiciary.

SB 262, introduced by Gage, B. Brown. Referred to Committee on Natural Resources.

SB 263, introduced by B. Williams, Thayer (By Request of the Montana Economic Development Board). Referred to Committee on Business and Industry.

SB 264, introduced by Himsl, Farrell, E. Smith, Blaylock, Regan, Crippen, B. Brown, Harding. Referred to Committee on State Administration.

SB 265, introduced by Bishop, Grady, Campbell, Harrington. Referred to Committee on Fish and Game.

SB 266, introduced by Van Valkenburg, Crippen, Fritz, Mercer. Referred to Committee on Taxation.

SB 267, introduced by Van Valkenburg, McCallum, Harp, Driscoll. Referred to Committee on State Administration.

SB 268, introduced by Yellowtail, Russell, Hofman, Manning, Hanson, Weeding, Jergeson, Schye, Iverson, Compton, DeMars, Bardanouve, Holliday. Referred to Committee on Agriculture, Livestock, and Irrigation.

SB 269, introduced by Kolstad, Rasmussen, Manning, Hirsch, Williams, Harrington, Haffey, Driscoll, Schye, Campbell, McCallum, Beck, Asay. Referred to Committee on Judiciary.

SB 270, introduced by Tveit, McCallum, Kolstad, Switzer, Farrell, Devlin, Harding, Crippen, Gage, E. Smith, Marks, Menke, Cody, Ellison, Stratford, Poff, Sales, Nelson, Connelly, Walker, Manuel, Jenkins, Aklestad, Stimatz, Beck, Thayer, Swift, Hoffman, Darko, Nathe, Swysgood, Glaser, Gilbert, Hofman, McLane, Abrams, Patterson, Anderson, Phillips, Lory, Hanson, Peterson, Grinde, Rehberg, Jones, Keller, Holliday, Compton, Hirsch, Pavlovich. Referred to Committee on State Administration.

SB 271, introduced by Hirsch, Corne', Beck, Wallin. Referred to Committee on Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 114, introduced by Addy. Referred to Committee on Public Health, Welfare, and Safety.

HB 133, introduced by M. Williams, Blaylock, Harrington, Mazurek, B. Brown, Keenan, Harp, J. Brown, Crippen (By Request of the Department of Revenue). Referred to Committee on Business and Industry.

HB 136, introduced by Driscoll, Grady, Spaeth, Darko, Harrington, Bradley, Addy, Whalen, Brandewie, Menke, Donaldson, Menahan, Russell, Bishop, Hager, Rasmussen, Blaylock, Bardanouve, C. Smith, Lory, Lybeck, Haffey, Weeding, Mazurek, McCormick, Keenan, Harp, J. Brown, Crippen. Referred to Committee on Taxation.

HB 141, introduced by Bardanouve. Referred to Committee on Judiciary.

HB 142, introduced by Harper, Donaldson (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 161, introduced by Meyers, Mercer, Pinsoneault, Harding. Referred to Committee on Highways and Transportation.

HB 172, introduced by Squires (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on State Administration.

HB 179, introduced by Jones, C. Smith. Referred to Committee on Business and Industry.

HB 186, introduced by Nathe. Referred to Committee on Education and Cultural Resources.

HB 198, introduced by Roth (By Request of the Office of Public Instruction). Referred to Committee on Education and Cultural Resources.

HB 200, introduced by Miles (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare, and Safety.

HB 208, introduced by Addy (By Request of the Department of State Lands). Referred to Committee on Natural Resources.

HB 223, introduced by Bardanouve (By Request of the Department of Institutions). Referred to Committee on Judiciary.

HB 224, introduced by Spaeth. Referred to Committee on State Administration.

HB 225, introduced by Spaeth, Russell, Winslow (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on State Administration.

HB 231, introduced by Fritz. Referred to Committee on Taxation.

HB 239, introduced by Brandewie, Marks. Referred to Committee on Natural Resources.

HB 242, introduced by Harper, Rasmussen, B. Brown, Haffey, Jacobson, Sands, Iverson. Referred to Committee on Business and Industry.

HB 244, introduced by Peterson (By Request of the Teachers' Retirement Board). Referred to Committee on State Administration.

HB 251, introduced by Cobb, Bradley, Jacobson, Kennerly, Simon, Keating (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.

HB 254, introduced by Thomas, B. Brown (By Request of the Joint Interim Subcommittee on Liability Issues). Referred to Committee on Business and Industry.

HB 257, introduced by Brandewie. Referred to Committee on Business and Industry.

HB 265, introduced by Phillips. Referred to Committee on State Administration.

HB 278, introduced by Grady, Thomas (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 349, introduced by Hannah, Eudaily, B. Brown, Blaylock, M. Williams, Sands (By Request of the Office of Public Instruction). Referred to Committee on Education and Cultural Resources.

HB 360, introduced by DeMars, Manuel, Schye, Connelly, Jenkins, Grinde (By Request of the Department of Agriculture). Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 391, introduced by Thoft (By Request of the Montana Historical Society). Referred to Committee on Finance and Claims.

HJR 5, introduced by Grady, Beck, Campbell, Brandewie, Harp, Quilici, Spaeth, Driscoll, Menahan, Mercer, Harper, Hansen, Fritz, Rasmussen, Yellowtail, Weeding, Lybeck. Referred to Committee on Highways and Transportation.

HJR 6, introduced by Schye, Cody, Nathe, E. Smith, Poff, Compton. Referred to Committee on Natural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hirsch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 96 - Senator Rasmussen moved that SB 96 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 135 - Senator Bishop moved that SB 135 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 141 - Senator Bengtson moved that SB 141 do pass. Senator McCallum made a substitute motion that consideration on SB 141 be passed this legislative day. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 145 - Senator Jacobson moved that SB 145 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 146 - Senator Jacobson moved that SB 146 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 147 - Senator Jacobson moved that SB 147 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 182 - Senator Meyer moved that SB 182 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 186 - Senator Williams moved that SB 186 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Neuman.
Total 1

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 190 - Senator Lybeck moved that SB 190 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Galt, Haffey, Halligan, Hirsch, Hofman, Jacobson, Lybeck, Lynch, Manning, McLane, Meyer, Rasmussen, Smith, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 29

Noes: Aklestad, Farrell, Gage, Hager, Hammond, Harding, Himsl, Keating, Mazurek, McCallum, Pinsoneault, Regan, Severson.
Total 13

Excused: Stimatz.
Total 1

Absent or not voting: Boylan, Jergeson, Kolstad, Neuman, Story, Tveit, Mr. President.
Total 7

SB 197 - Senator Rasmussen moved that SB 197 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 106 - Senator Lynch moved that HB 106 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 132 - Senator Lynch moved that HB 132 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 140 - Senator Hofman moved that HB 140 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 153 - Senator Walker moved that HB 153 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 176 - Senator Rasmussen moved that HB 176 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hirsch moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 58 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Smith, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Haffey, Himsl, Lynch, Severson, Van Valkenburg.
Total 5

Excused: Stimatz.
Total 1

Absent or not voting: Rasmussen.
Total 1

SB 114 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 134 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 165 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 27 concurred in as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Beck, Bengtson, Gage, Harding, Himsl, Hofman, Keating, Neuman, Weeding.
Total 10

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 3, 1987.

Motion carried.

Senate adjourned at 4:54 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 3, 1987

Senate Chambers
State Capitol

Senate convened at 3:06 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-fifth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/3/87

Correctly printed and placed on the members' desks: SB 79, SB 130, SB 180, SB 236.

Considered correctly engrossed: SB 96, SB 135, SB 145, SB 146, SB 147, SB 182, SB 186, SB 190, SB 197.

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 2/2/87

HB 108, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 1/31/87

SB 126, introduced bill, be amended as follows:

1. Title, line 10.
Strike: "SECTION"
Insert: "SECTIONS 50-16-311 AND"

2. Page 2, line 12.
Following: "reported"
Strike: "immediately"

3. Page 2, line 15.
Following: "provided to the"
Strike: "department of justice"
Insert: "state fire marshal"

4. Page 2.
Following: line 20
Insert: "NEW SECTION. Section 2. Immunity from liability. A person who acts in good faith in accordance with the provisions of 50-63-203 is not liable for damages in any civil proceeding or subject to prosecution in any criminal proceeding that might result from this action.

Section 3. Section 50-16-311, MCA, is amended to read:

"50-16-311. When consent is required to release or transfer confidential health care information. (1) Except as provided in subsection (2) or as otherwise specifically provided by law or the Montana Rules of Civil Procedure, confidential health care information relating to a person may not be released or transferred without the written consent of the person or his authorized representative.

(2) Consent is not required for release or transfer of confidential health care information:

(a) to a physician, dentist, or other medical person for diagnosis or treatment of an individual in a medical or dental emergency;

(b) to a peer review committee if the information concerns matters within the scope of the licensed professional practice of the committee members;

(c) to qualified persons for the purpose of conducting scientific research, management audits, financial audits, program evaluations, or similar studies. However, qualified persons may not directly or indirectly identify an individual patient in a research report, audit, or evaluation or disclose a patient's identity in any manner.

(d) to a health care provider:

(i) as may be reasonably necessary to provide health care services to the individual about whom the information relates; or

(ii) in the administration of the office, practice, or operation in connection with the providing of health care services to the individual about whom the information relates;

(e) to an employer as may be reasonably necessary in the administration of a group insurance plan or to a workers' compensation insurer, the division of workers' compensation, or the workers' compensation judge, as is necessary in the administration of Title 39, chapters 71 and 72;

(f) when a person's insurance coverage obligates more than one insurer with respect to a claim or benefit;

(g) to a state insurance department for the purpose of reviewing an insurance claim or complaint made to such department by an insured or his authorized representative or by a beneficiary or his authorized representative of a deceased insured;

(h) to a law enforcement officer about the general physical condition of a person being treated in a health care facility if such person was injured on a public roadway or was injured by the possible criminal act of another;

(i) to the state fire marshal in reporting a second- or third-degree burn as provided in 50-63-203; or

~~(i)~~(j) to the news media about the general physical condition of an injured person being treated in a health care facility, provided the existence of the hospitalization is publicly known.

(3) For the purpose of this section, the term "general physical condition" is limited to a description of the condition as "satisfactory", "serious", or "critical"."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 138, introduced bill, be amended as follows:

1. Title, line 8.
Following: "COMMITTEE;"
Insert: "PROVIDING FOR AN APPLICATION FEE;"

2. Page 3, line 18.

Following: "at least"
Strike: "90"
Insert: "180"

3. Page 4, line 4.
Following: "Within"
Strike: "60"
Insert: "90"

4. Page 4, line 5.
Following: "prepare a"
Insert: "draft"

5. Page 4, line 17.
Following: "within"
Strike: "60"
Insert: "90"

6. Page 4, line 19.
Following: "maximum of"
Strike: "90"
Insert: "120"

7. Page 7, line 16.
Following: "At least"
Strike: "10"
Insert: "21"

8. Page 7, line 22.
Following: "legislative"
Strike: "council"
Insert: "auditor"

9. Page 7.
Following: line 23
Insert: "Section 6. Application fee. An application for review under [section 3] must include an application fee established by the committee in an amount not to exceed $6,500. The fee must be used by the committee to pay the cost of the review, and any unused portion must be refunded to the applicant."
Renumber: subsequent sections

10. Page 8.
Following: line 1
Strike: "5"
Insert: "6"

11. Page 8, line 7.
Following: "through"
Strike: "5"
Insert: "6"

12. Page 10, line 8.
Following: "add"
Strike: "a new licensing responsibility"

13. Page 10, line 9.
Following: "board"
Insert: "responsibility for licensing another occupation or profession"

14. Page 10, line 12.
Following: "through"
Strike: "7"

Insert: "8"

15. Page 10, line 14.
Following: "through"
Strike: "7"
Insert: "8"

16. Page 10, line 15.
Following: "Section"
Strike: "8"
Insert: "9"

17. Page 10, line 17.
Following: "section"
Strike: "8"
Insert: "9"

And, as amended, do pass. Report adopted.

SB 176, introduced bill, be amended as follows: 2/2/87

1. Page 1, line 21.
Following: "(f)"
Insert: "nursing"

2. Page 2, line 21.
Following: "Health"
Strike: "insurance"
Insert: "service"

3. Page 2, line 24.
Following: "37-8-202(5)"
Insert: ", if health care services that nurse specialists are licensed to perform are covered by the contract"

And, as amended, do pass. Report adopted.

SB 195, do pass. Report adopted. 1/30/87

TAXATION (McCallum, Chairman) 2/2/87

SB 22, introduced bill, be amended as follows:

1. Title.
Following: line 8
Strike: "1989"
Insert: "1991"

2. Page 5.
Following: line 17
Insert: "The total credits authorized for all companies between July 1, 1989, and June 30, 1991, may not exceed $3 million plus any portion of the credits available for authorization before June 30, 1989, that is allocated to qualified companies."

3. Page 7, line 3.
Following: "~~5~~"
Strike: "2"
Insert: "4"

And, as amended, do pass. Report adopted.

Adverse Committee Report

LOCAL GOVERNMENT (Crippen, Chairman) 1/30/87

SB 158, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Brown, Haffey, Jacobson, Lynch, Manning, McLane, Smith, Story, Walker.
Total 9

Excused: None.
Total 0

Absent or not voting: Galt.
Total 1

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 67, introduced by Pavlovich.

HB 129, introduced by Driscoll.

HB 130, introduced by Driscoll.

HB 183, introduced by Ellison.

HB 210, introduced by Grady.

HB 214, introduced by J. Brown.

HB 267, introduced by Mercer.

HB 269, introduced by Jones.

HB 299, introduced by Bardanouve.

HB 310, introduced by Kitselman.

HB 332, introduced by J. Brown.

MOTIONS

Senator Smith moved that SB 139 be taken from second reading this legislative day and rereferred to the Committee on Judiciary. Motion carried.

Senator Yellowtail moved that SB 244 be taken from the Committee on Business and Industry and rereferred to the Committee on State Administration. Motion carried.

Senator Van Valkenburg moved that SB 42 and SB 70 be taken from the Committee on Rules and rereferred to the Committee on State Administration. Motion carried.

Senator Van Valkenburg moved that SB 85 be taken from the Committee on Rules and placed on second reading at a later date. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 272, introduced by Lynch, Haffey, Quilici, Menahan, Jacobson, Harrington, Daily. Referred to Committee on Business and Industry.

SB 273, introduced by Regan, Halligan, Manning, Crippen, Hager, Jacobson, Eck, Walker, Boylan. Referred to Committee on Education and Cultural Resources.

SB 274, introduced by Hammond. Referred to Committee on Local Government.

SB 275, introduced by Jergeson, Peck, Kolstad, Yellowtail, Galt, Hirsch, B. Williams, Van Valkenburg, B. Brown, Halligan, Nathe, Hannah, Glaser, Mazurek. Referred to Committee on Judiciary.

SB 276, introduced by Pinsoneault, Hammond. Referred to Committee on Education and Cultural Resources.

SB 277, introduced by Hofman, Lybeck, Yellowtail, Neuman, Anderson, Swysgood, Farrell, Boylan, Keating, Story, Galt, B. Brown, Grady, Holliday, Manuel. Referred to Committee on Agriculture, Livestock, and Irrigation.

SB 278, introduced by Weeding, Rapp-Svrcek, Hofman, Holliday, Schye, Poff, Jergeson, Beck, Lybeck, Manuel. Referred to Committee on Agriculture, Livestock, and Irrigation.

SB 279, introduced by Keating, Gage, Jacobson, Neuman, Simon, Fritz, Bradley, Cobb (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.

SJR 9, introduced by Jergeson. Referred to Committee on Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 67, introduced by Pavlovich (By Request of the Department of Revenue). Referred to Committee on Business and Industry.

HB 129, introduced by Driscoll (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 130, introduced by Driscoll (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 183, introduced by Ellison (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.

HB 210, introduced by Grady, Cobb, Menahan, Swysgood, Switzer, Campbell, Connelly, Severson, Beck, Spaeth, Grinde, Devlin, McCormick, Russell, Hirsch, Lybeck, Menke, Bachini, E. Smith, Jones, Abrams, C. Smith, Stang. Referred to Committee on Fish and Game.

HB 214, introduced by J. Brown (By Request of the Department of Military Affairs). Referred to Committee on Finance and Claims.

HB 267, introduced by Mercer, Mazurek, Hansen. Referred to Committee on Judiciary.

HB 269, introduced by Jones, C. Smith, Peterson, Harp, Brandewie, Grady, Thoft, Swysgood, Glaser, McCormick, Moore, Hannah, Mercer, Darko, Rapp-Svrcek. Referred to Committee on Highways and Transportation.

HB 299, introduced by Bardanouve (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 310, introduced by Kitselman, Mazurek. Referred to Committee on Business and Industry.

HB 332, introduced by J. Brown. Referred to Committee on Business and Industry.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Crippen in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 104 - Senator Pinsoneault moved that SB 104 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 141 - Senator Van Valkenburg moved that SB 141, second reading copy, be amended as follows:

1. Title, line 8.
Strike: "IMMEDIATE"

2. Page 3, lines 13 and 14.
Strike: "on" on line 13 through "approval" on line 14
Insert: "July 1, 1987"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that SB 141, second reading copy, be further amended as follows:

1. Page 2.

Strike: line 6 in its entirety
Renumber: subsequent subsections

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Bengtson moved that SB 141, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Crippen, Eck, Galt, Hager, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 32

Noes: Anderson, Bishop, Boylan, Brown, Farrell, Gage, Haffey, Harding, Himsl, Hofman, Keating, Lybeck, McCallum, Severson, Smith, Story, Tveit, Yellowtail.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 10 - Senator Mazurek moved that SB 10 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 26

Noes: Bengtson, Bishop, Blaylock, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 105 - Senator Himsl moved that SB 105 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 109 - Senator Bishop moved that SB 109 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 118 - Senator Halligan moved that SB 118 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Neuman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 30 - Senator Thayer moved that HB 30 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 2 - Senator McCallum moved that HJR 2 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Crippen moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 144 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: Meyer, Weeding.
Total 2

SB 149 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 122 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 4, 1987.

Motion carried.

Senate adjourned at 5:00 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 4, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-sixth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/4/87
Correctly printed and placed on the members' desks: SB 22, SB 126, SB 138, SB 176, SB 195.
Correctly engrossed: SB 141.
Considered correctly engrossed: SB 10, SB 104, SB 105, SB 109, SB 118.

Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 2/3/87
SB 196, do pass. Report adopted.

FISH AND GAME (Smith, Chairman) 2/3/87
SB 53, introduced bill, be amended as follows:

1. Title, line 6.
Following: "ANIMALS;"
Insert: "MAKING IT UNLAWFUL TO CAPTURE A FURBEARER FROM THE WILD;"

2. Page 1.
Following: line 9
Insert: "Section 1. Unlawful capture. No person may capture, take, or otherwise acquire a furbearer from the wild for use on a fur farm."
Renumber: subsequent section

3. Page 1.
Following: line 11
Insert: "Section 3. Extension of authority. Any existing authority of the department of fish, wildlife, and parks to make rules on the subject of the provisions of this act is extended to the provisions of this act.

Section 4. Codification instruction. Section 1 is intended to be codified as an integral part of Title 87, chapter 4, part 10, and the provisions of Title 87, chapter 4, part 10, apply to section 1."

And, as amended, do pass. Report adopted.

SB 172, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/3/87
SB 160, introduced bill, be amended as follows:

1. Page 2, line 6.
Following: "injury"

Strike: "has"
Insert: "or facts constituting the claim have"

2. Page 2, line 9.
Following: "injury"
Strike: "is by its"
Insert: "or facts constituting the claim are by their"

And, as amended, do pass. Report adopted.

SB 181, introduced bill, be amended as follows:

1. Title, line 7.
Following: "OFFENSES"
Insert: "; AND REQUIRING PAYMENT OF A REINSTATEMENT FEE"

2. Page 1, line 17.
Following: "61-5-309,"
Insert: "chapter 12, part 6,"

3. Page 1, line 21.
Following: "to"
Insert: "post the set bond amount or"
Following: "or"
Insert: "appear"

4. Page 1, line 23.
Following: "to"
Insert: "forfeit the posted bond amount or to"
Following: "fine"
Insert: "of $100 or more"
Following: "costs"
Insert: "of $100 or more"

5. Page 1, line 24.
Following: "amount"
Insert: "of $100 or more"

6. Page 2, line 2.
Following: "section"
Insert: ", including the reinstatement fee"

7. Page 2.
Following: line 2
Insert: "Section 2. Provisional licenses prohibited — reinstatement fee. (1) No provisional, restricted, or probationary license may be issued upon a suspension under [section 1].

(2) A person whose license is suspended under [section 1] shall pay a reinstatement fee of $25 to the court.

Section 3. Reinstatement of license. Upon receipt of notification from the court that the operator or chauffeur has appeared, posted the bond, or paid the fine, costs, or restitution amounts and the reinstatement fee, the department shall immediately reinstate the license."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 189, introduced bill, be amended as follows:

1. Title, line 4.

Strike: "PUBLIC"

2. Title, line 5.
Following: "DISCLOSURE"
Insert: "TO CERTAIN SCHOOL OFFICIALS"

3. Title, line 7.
Following: "SUBSTANCE"
Insert: "OR A DANGEROUS DRUG"
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "41-5-601"
Strike: "AND 41-5-602"

4. Page 1, line 24.
Strike: "Publicity may not be withheld as to the"
Insert: "The"

5. Page 2, line 1.
Following: "45-5-624"
Insert: "or 45-9-102 may be disclosed by law enforcement officials to the administrative officials of the school in which the youth is a student. However, the information may not be further disclosed by the school officials."

6. Page 2, line 2 through line 3, page 3.
Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 2/3/87
HB 204, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 2/4/87
SB 44, introduced bill, be amended as follows:

1. Title, line 5.
Following: "TRUCKS"
Insert: "AND TRAILERS"

2. Page 1, lines 20 and 21.
Following: "trailers" on line 20
Strike: "up to and including 18,000 pounds maximum gross loaded weight,"
Insert: ", including those prorated under 15-24-102,"

3. Page 2, lines 17 through 20.
Strike: subsection (d) in its entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 63, introduced bill, be amended as follows: 2/3/87

1. Title, line 6.
Strike: "15-8-601,"

2. Title, lines 8 and 9.
Strike: "IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE"

3. Page 1, line 21.
Strike: "arriving"

Insert: "with taxable situs"

4. Page 3, line 8.
Following: "taxes"
Insert: "except that in the case of personal property used for hire, compensation, or profit, the county in which the property is first so used in a tax year is the county that shall be entitled to collect the taxes."

5. Page 3, line 9 through line 4, page 5.
Strike: section 3 in its entirety
Renumber: subsequent sections

6. Page 6, line 16.
Strike: "and"
Insert: ","
Following: "assessed"
Insert: ", and used for hire, compensation, or profit"

7. Page 10, lines 15 through 17.
Following: "12." on line 15
Strike: remainder of line 15 through "approval" on line 17
Insert: "Applicability."

8. Page 10, lines 18 and 19.
Strike: "(2)" on line 18
Following: "applies" on line 18
Strike: "retroactively, within the meaning of 1-2-109,"

9. Page 10, line 20.
Strike: "1986"
Insert: "1987"

And, as amended, do pass. Report adopted.

Adverse Committee Report

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/2/87
SB 170, introduced bill, be amended as follows:

1. Page 4, line 2.
Following: "treatment"
Insert: "limited to the anterior segment of the eye and adnexa"

2. Page 6, lines 1 through 4.
Following: "must be" on line 1
Strike: remainder of subsection (2)(a)(ii) in its entirety
Insert: "conducted by an institution accredited by a regional or professional accreditation organization which is recognized or approved by the national commission on accrediting or the United States commissioner of education. The course and examination must also be approved by the board."

And, as amended, do not pass. Adverse Committee Report failed as follows:

Ayes: Blaylock, Boylan, Eck, Hager, Himsl, Hofman, Jacobson, Lybeck, Manning, Mazurek, Neuman, Regan, Severson, Thayer, Van Valkenburg, Yellowtail, Mr. President.
Total 17

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Crippen, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Jergeson,

Keating, Kolstad, Lynch, McCallum, Meyer, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams.
Total 31

Excused: None.
Total 0

Absent or not voting: Brown, McLane.
Total 2

Senator Hager moved that SB 170 be printed and placed on second reading.

Senator Hager withdrew the motion.

TAXATION (McCallum, Chairman) 2/2/87
SB 155, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Beck, Gage, Galt, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, Smith, Story.
Total 12

Excused: None.
Total 0

Absent or not voting: Blaylock, McLane, Rasmussen.
Total 3

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 188, introduced by Bradley.

HB 266, introduced by Ream.

HB 281, introduced by Spaeth.

HB 362, introduced by Glaser.

HB 455, introduced by Miles.

HB 462, introduced by Miles.

MOTIONS

Senator Hager moved that SB 170 be printed and placed on second reading on the 31st legislative day, 2/9/87. Motion carried.

Senator Meyer moved to delete the words "By Request of the State Auditor" on LC 1173 (SB 295).

Senator Meyer withdrew his motion.

Senator Mazurek moved that consideration of SB 140 on second reading be passed until the 28th legislative day, 2/5/87. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 280, introduced by McCallum. Referred to Committee on Labor and Employment Relations.

SB 281, introduced by Beck. Referred to Committee on State Administration.

SB 282, introduced by Beck. Referred to Committee on Local Government.

SB 283, introduced by Beck. Referred to Committee on Local Government.

SB 284, introduced by Beck. Referred to Committee on Local Government.

SB 285, introduced by Farrell, Lynch, Mazurek, Halligan, McCallum, Harding, Anderson, Hofman, Walker, Haffey, Severson, Hirsch, Squires, Manning, Vincent, Driscoll, Moore, Darko, Ellison, Pavlovich, Peck, J. Brown, Keating, Hayne, Jenkins, Miller, Spaeth, Russell, Miles, Eudaily, Hannah, Jones, Swysgood, Iverson, Jacobson, Menahan, Gage, D. Brown, Swift, B. Williams, Devlin, Patterson, Ream, O'Connell, Kitselman, Hansen. Referred to Committee on State Administration.

SB 286, introduced by Galt, Ellison, Pinsoneault, Keller, Cobb, Boylan, Hofman, Severson, Hirsch, Hammond, Keating. Referred to Committee on Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 188, introduced by Bradley, Kitselman, Hager, Mazurek. Referred to Committee on Judiciary.

HB 266, introduced by Ream, Jacobson. Referred to Committee on Fish and Game.

HB 281, introduced by Spaeth (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.

HB 362, introduced by Glaser, Pistoria, Campbell, Brandewie, Harp, Sands. Referred to Committee on Business and Industry.

HB 455, introduced by Miles, B. Brown, Stratford, Hager, Halligan, Campbell, Hirsch, Wallin, Vincent, Winslow, Squires, Harper, Cohen, Keenan, Thoft, Eck, B. Williams, Phillips, Bradley (By Request of the Governor). Referred to Committee on Public Health, Welfare, and Safety.

HB 462, introduced by Miles (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare, and Safety.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Mazurek in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 92 - Senator Stimatz moved that SB 92 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 121 - Senator B. Brown moved that SB 121 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Neuman excused at this time.

SB 188 - Senator Walker moved that SB 188 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SB 202 - Senator Weeding moved that SB 202 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Neuman present at this time.

SB 230 - Senator Himsl moved that SB 230 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 6 - Senator Van Valkenburg moved that House amendments to SJR 6 be not concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, Galt.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 61 - Senator Story moved that HB 61 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 91 - Senator Lybeck moved that HB 91 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 109 - Senator Anderson moved that HB 109 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 181 - Senator Hirsch moved that HB 181 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 190 - Senator Farrell moved that HB 190 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 215 - Senator Abrams moved that HB 215 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 226 - Senator Harding moved that HB 226 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 227 - Senator Hirsch moved that HB 227 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair.

SB 188 - Senator Farrell moved that SB 188 be segregated from the Committee of the Whole Report. Motion carried.

Chairman Mazurek moved the adoption of the committee report as amended. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 96 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 135 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 145 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 146 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Hammond, Thayer.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 147 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 182 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 186 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Neuman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 190 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Galt, Haffey, Halligan, Harding, Hirsch, Hofman,

Jacobson, Jergeson, Lybeck, Lynch, Manning, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Boylan, Farrell, Hager, Hammond, Himsl, Keating, Kolstad, Mazurek, McCallum, Pinsoneault.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 197 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 106 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Bishop, Kolstad, Neuman, Severson, Smith, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 132 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 140 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Farrell, Hammond.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 153 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 176 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a committee from the House of Representatives to confer on SJR 6. Motion carried.

The President appointed the following members:

Senator McCallum, Chairman
Senator Farrell
Senator Van Valkenburg

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 5, 1987.

Motion carried.

Senate adjourned at 4:25 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
February 5, 1987

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-seventh legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

Senator Brown introduced former Senator Harold Dover.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/5/87
Correctly printed and placed on the members' desks: SB 44, SB 53, SB 63, SB 160, SB 170, SB 172, SB 181, SB 189, SB 196.
Considered correctly engrossed: SB 92, SB 121, SB 202, SB 230.
Signed by the President at 10:45 a.m., 2/5/87: HB 27.

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 2/4/87

SB 238, introduced bill, be amended as follows:

1. Page 4, lines 2 and 3.
Strike: "nongovernment registrants"
Insert: "dealers"

Committee adopted the following statement of intent:

Statement of Intent
SB 238

This bill requires a statement of intent because section 6 authorizes the department of agriculture to adopt rules implementing the vertebrate pest management law. The department may operate management programs and may cooperate with other governmental and private entities for vertebrate pest management purposes.

It is the intent of the legislature that the department adopt rules for the orderly administration of the rodenticide fund and the collection of revenue as provided in the bill. The department shall provide a method of giving notice to the rodenticide registrant and a procedure for payment of the surcharge.

It is the intent of the legislature that the department adopt rules relating to the expenditure of funds generated by this bill. Specifically, the department shall use the criteria stated in 80-7-1102 and 80-7-1103 as the basis for the expenditure of the funds. The legislature intends that the money given in the form of grants and contracts be primarily on a cost-share basis. The department shall determine the ratio of cost sharing by considering the entity being given the money, its ability to find other sources of funding, the need for the project for which it receives the money, and the amount of benefit it bestows on the area involved. The legislature intends

that projects involving greater community action and benefit receive increased priority.

And, as amended, do pass. Report adopted.

HB 184, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/5/87
SB 161, do pass. Report adopted.
SB 164, do pass. Report adopted. 2/4/87
SB 214, do pass. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 2/4/87
SB 206, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: "~~office~~"
Insert: "has not resided in the county for at least 2 years next preceding the time when he shall become a candidate for said office and"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 2/4/87
SB 151, do pass. Report adopted.

Adverse Committee Reports

FISH AND GAME (Smith, Chairman) 2/3/87
SB 107, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Farrell, Lynch.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

JUDICIARY (Mazurek, Chairman) 2/3/87
SB 152, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Weeding, Mr. President.
Total 35

Noes: Bengtson, Eck, Haffey, Jacobson, Jergeson, Lynch, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Walker, Williams, Yellowtail.
Total 15

Excused: None.

Total 0

Absent or not voting: None.
Total 0

TAXATION (McCallum, Chairman) 2/2/87
SB 45, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Weeding, Mr. President.
Total 42

Noes: Halligan, Lybeck, Manning, Pinsoneault, Van Valkenburg, Walker, Williams, Yellowtail.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 335, introduced by Pistoria.

HB 374, introduced by Pavlovich.

HB 388, introduced by Asay.

HB 452, introduced by Wallin.

The House, on 2/4/87, acceded to the request of the Senate and authorized the Speaker to appoint a Free Conference Committee to meet with a like committee of the Senate to confer on SJR 6.

The Speaker appointed the following members:

Representative Hannah
Representative Iverson
Representative Vincent

MOTIONS

Senator Farrell moved that SB 188 be taken from second reading this day and rereferred to Committee on Judiciary. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Lybeck, Mazurek, McCallum, McLane, Pinsoneault, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Yellowtail, Mr. President.
Total 30

Noes: Abrams, Bengtson, Boylan, Galt, Haffey, Hager, Hirsch, Jergeson, Kolstad, Lynch, Manning, Meyer, Neuman, Rasmussen, Smith, Thayer, Tveit, Walker, Weeding, Williams.
Total 20

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that the Senate temporarily suspend the temporary rules to allow introduction of LC 0627 (SB 306). Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lybeck excused at this time.

Senator Keating moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 155 on the 27th legislative day and printed and placed on second reading at a later date. Motion failed as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hofman, Keating, McCallum, McLane, Meyer, Rasmussen, Severson, Story, Thayer.
Total 20

Noes: Abrams, Anderson, Blaylock, Boylan, Brown, Eck, Haffey, Hager, Halligan, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Paired: Aklestad, Aye; Lybeck, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Galt moved that the following name be added to the list of sponsors of SB 286: Spaeth. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 287, introduced by Gage. Referred to Committee on State Administration.

SB 288, introduced by McLane, Meyer, Galt, Bishop. Referred to Committee on Local Government.

SB 289, introduced by Van Valkenburg, Gould. Referred to Committee on Judiciary.

SB 290, introduced by Vaughn, Regan, Anderson, Galt, Yellowtail, McCormick, Hager, Darko, Connelly, Beck, Vincent, Corne'. Referred to Committee on Public Health, Welfare, and Safety.

SB 291, introduced by Keating. Referred to Committee on Business and Industry.

SB 292, introduced by Keating, Gilbert. Referred to Committee on Natural Resources.

SB 293, introduced by Boylan, Pavlovich, Manning. Referred to Committee on Business and Industry.

SB 294, introduced by Meyer, Driscoll (By Request of the State Auditor). Referred to Committee on Business and Industry.

SB 295, introduced by Meyer, Devlin, Bulger, Pistoria, Kolstad, Patterson, Nisbet, Asay, Koehnke, Ellison, Bardanouve, E. Smith, Poulsen, McCormick, McCallum, Peck, M. Hanson, Phillips, Switzer, Poff, Giacometto, Swift, Schye, Manuel, Compton, Story, Hirsch, Lybeck, Manning, Jergeson, Galt, Beck, O'Connell, McLane, B. Brown, Walker, Thayer, Neuman, Anderson, Farrell, Hofman, Severson, Abrams, Hager, Bishop, Pavlovich. Referred to Committee on Business and Industry.

SB 296, introduced by Harding, Walker, Mercer, Pinsoneault. Referred to Committee on Highways and Transportation.

SB 297, introduced by Harding, Mercer, Pinsoneault. Referred to Committee on Local Government.

SB 298, introduced by Neuman, Himsl, Bardanouve, Jacobson, M. Williams, Halligan, Mazurek, Poulsen, Manuel, Addy, Harp, Grady, Glaser, Spaeth, Lybeck. Referred to Committee on Business and Industry.

SB 299, introduced by Meyer, Wallin (By Request of the State Auditor and Securities Commissioner). Referred to Committee on Business and Industry.

SB 300, introduced by Manning, Menahan. Referred to Committee on Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 335, introduced by Pistoria. Referred to Committee on State Administration.

HB 374, introduced by Pavlovich, Stimatz (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

HB 388, introduced by Asay, Iverson (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.

HB 452, introduced by Wallin. Referred to Committee on Local Government.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Smith in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 140 - Senator Mazurek moved that SB 140 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

SB 79 - Senator Halligan moved that SB 79 do pass. Motion failed as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Eck, Farrell, Haffey, Halligan, Jacobson, Jergeson, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Smith, Thayer, Van Valkenburg, Walker, Weeding, Williams.
Total 21

Noes: Aklestad, Beck, Bishop, Boylan, Crippen, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Neuman, Severson, Stimatz, Tveit, Vaughn, Yellowtail, Mr. President.
Total 25

Excused: Lybeck.
Total 1

Absent or not voting: Brown, Hager, Story.
Total 3

Senator Aklestad moved that SB 79 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Lynch, McCallum, McLane, Meyer, Rasmussen, Severson, Stimatz, Tveit, Vaughn.
Total 23

Noes: Abrams, Anderson, Bengtson, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Manning, Mazurek, Neuman, Pinsoneault, Regan, Smith, Thayer, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Excused: Lybeck.
Total 1

Absent or not voting: Hager, Story.
Total 2

SB 130 - Senator Manning moved that SB 130 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Farrell, Gage, Haffey, Halligan, Harding, Hirsch, Jacobson, Kolstad, Lynch, Manning,

McLane, Meyer, Neuman, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Mr. President.
Total 27

Noes: Anderson, Bishop, Brown, Crippen, Eck, Galt, Hager, Hammond, Himsl, Hofman, Jergeson, Keating, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Vaughn, Weeding, Yellowtail.
Total 20

Excused: Lybeck.
Total 1

Absent or not voting: McCallum, Williams.
Total 2

SB 180 - Senator Harding moved that SB 180 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

SB 236 - Senator Walker moved that SB 236 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

HB 103 - Senator Vaughn moved that HB 103 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman,

Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Smith moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 10 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 26

Noes: Bengtson, Bishop, Blaylock, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Paired: Farrell, Aye; Lybeck, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 104 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.

Total 0

SB 105 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

SB 109 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

SB 118 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hirsch, Neuman.
Total 2

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

SB 141 passed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Crippen, Eck, Galt, Halligan, Hirsch, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane,

Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 29

Noes: Anderson, Bishop, Boylan, Brown, Farrell, Gage, Haffey, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, Lybeck, McCallum, Severson, Smith, Story, Tveit, Yellowtail.
Total 21

Paired: Bengtson, Aye; Lybeck, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 30 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Jergeson, Lynch, Severson, Smith, Yellowtail.
Total 5

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

HJR 2 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 6, 1987.

Motion carried.

Senate adjourned at 4:28 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

[illegible]

[illegible]

[illegible] Abramek, Aklestad, Anderson, Beck, Beaghen, [illegible]
[illegible] Gripper, Eck, Farrell, Gage, Galt, Halley, Hager,
[illegible] Harding, Hinal, Hinch, Hofman, Jacobson, [illegible]
Manning, Marquek, McCallum, McLaue, Meyer, Neuman, [illegible]
Reumuasen, Regan, Sieverz, Story, Thayer, Trett, Van Valken
[illegible] Walker, Weeding, Williams, Mr. President.

Total [illegible]

[illegible] Jorgensen, Lyberg, Severaid, Smith, Yelkovich.

Total [illegible]

Absent or not voting: None.

Total [illegible]

[illegible] as follows:

[illegible] Abramek, Aklestad, Anderson, Beck, Beaghen, [illegible]
[illegible] Gripper, Eck, Farrell, Gage, Galt, Halley, [illegible]
[illegible] Hinal, Hinch, Hofman, Jacobson,
[illegible] Harding, Marquek, McCallum, McL[illegible]
[illegible] Regan, Severaid, Smith, St[illegible]
[illegible] Van [illegible] Walker, Weeding,

TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 6, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Lybeck, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-eighth legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

Senator Lynch and Senator McCallum escorted the Honorable Donald Rumsfeld, former U.S. Ambassador to Belgium, to the rostrum where he spoke to the members of the Senate.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/6/87
Correctly printed and placed on the members' desks: SB 151, SB 161, SB 164, SB 206, SB 214, SB 238.
Considered correctly engrossed: SB 130, SB 140, SB 180, SB 236.
Signed by the President at 9:45 a.m., 2/6/87: HB 122.

Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 2/5/87
SB 116, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/5/87
SB 173, do pass. Report adopted.
SB 220, introduced bill, be amended as follows:

1. Page 2, line 3.
Following: "cents"
Strike: "per name"
Following: "searched"
Insert: ", not to exceed a total of $25"

2. Page 4, line 8.
Following: "cents"
Strike: "per name"
Following: "searched"
Insert: ", not to exceed a total of $25"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 2/5/87
SB 242, do pass. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 2/5/87
SB 204, introduced bill, be amended as follows:

1. Title, lines 4 through 6.
Following: "AUTHORIZING" on line 4
Strike: remainder of line 4 through "PLATES" on line 6
Insert: "COUNTIES TO ASSESS AN ADDITIONAL FEE OF $3"
Following: "ISSUING" on line 6

Strike: "THE"
Insert: "COMMEMORATIVE CENTENNIAL"

2. Page 3, lines 16 and 17.
Following: "(a)" on line 16
Strike: remainder of line 16 through "the" on line 17
Insert: "The"

3. Page 3, lines 21 and 22.
Following: "(b)"
Strike: remainder of line 21 through "plate" on line 22
Insert: "A county shall assess an additional fee of $3 for each set of commemorative centennial license plates"

4. Page 3, line 23.
Following: "county"
Insert: "to defray the costs incurred by the county treasurer. The county treasurer shall collect the fee"

5. Page 4, line 12.
Following: "after"
Strike: "January 1, 1987"
Insert: "the effective date of this act"

And, as amended, do pass. Report adopted.

SB 255, do pass. Report adopted.
HB 99, be concurred in. Report adopted.
HB 159, be concurred in. Report adopted.
HB 312, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/5/87
SB 240, do pass. Report adopted.
HB 172, be concurred in. Report adopted.
HB 224, be concurred in. Report adopted.
HB 225, be concurred in. Report adopted.
HB 244, be concurred in. Report adopted.
HB 251, be concurred in. Report adopted.
HB 265, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 2/5/87
HB 87, be concurred in. Report adopted.
HB 151, third reading copy, be amended as follows:

1. Title, line 4.
Following: "TO"
Insert: "MAKE PROPERTY TAXES FIRST PAYABLE ON NOVEMBER 30 OF EACH YEAR, OR WITHIN 30 DAYS AFTER THE TAX NOTICE IS POSTMARKED, WHICHEVER IS LATER; TO"

2. Title, line 5.
Following: "WITHOUT"
Insert: "PENALTY OR"

3. Page 1, line 19.
Following: "year"
Insert: ", or within 30 days after the tax notice is postmarked, whichever is later,"

4. Page 1, line 22.
Following: "year"

Insert: ", or within 30 days after the tax notice is postmarked, whichever is later"

5. Page 2, line 7.
Following: "If"
Strike: "either November 30 or May 31"
Insert: "the date on which taxes are due"

6. Page 2, line 8.
Following: "without"
Insert: "penalty or"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 69, introduced by Hayne.

HB 143, introduced by Harper.

HB 206, introduced by McCormick.

HB 234, introduced by Menahan.

HB 235, introduced by Addy.

HB 253, introduced by Ream.

HB 308, introduced by Miles.

HB 320, introduced by S. Hansen.

HB 326, introduced by Addy.

HB 345, introduced by McCormick.

HB 363, introduced by Hoffman.

MOTIONS

Senator Williams moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 45 and rereferred to the Committee on Taxation. Motion failed as follows:

Ayes: Abrams, Bengtson, Boylan, Eck, Galt, Halligan, Jacobson, Jergeson, Lynch, Manning, Neuman, Pinsoneault, Regan, Stimatz, Story, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.
Total 20

Noes: Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Farrell, Gage, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Thayer, Tveit, Vaughn, Mr. President.
Total 29

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

Senator Pinsoneault moved that SB 17 and SB 18 be placed on second reading on the 34th legislative day, 2/12/87, and that SB 17 be placed above SB 18. Motion carried.

Senator Walker moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 152. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Beck, Boylan, Galt, Hammond, Himsl, Pinsoneault, Severson, Story.
Total 9

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

Senator Walker moved that SB 152 be rereferred to the Committee on Judiciary. Motion carried.

Senator Neuman moved that SB 22 be taken from second reading this legislative day and rereferred to the Committee on Taxation. Senator Van Valkenburg made a substitute motion to pass consideration on SB 22 until the 32nd legislative day, 2/10/87. Substitute motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 301, introduced by Gage. Referred to Committee on Education and Cultural Resources.
SB 302, introduced by Jergeson, M. Williams, Glaser, Peck, B. Brown, Regan. Referred to Committee on Education and Cultural Resources.
SB 303, introduced by Halligan. Referred to Committee on Judiciary.
SB 304, introduced by Yellowtail, Galt, Spaeth, Cohen, Russell, Koehnke. Referred to Committee on Local Government.
SB 305, introduced by Eck, Corne'. Referred to Committee on Public Health, Welfare, and Safety.
SB 306, introduced by Mazurek (By Request of the Department of Institutions). Referred to Committee on Judiciary.
SB 307, introduced by Neuman, Harp, Ream, Eck, Bengtson, Van Valkenburg, M. Williams, Bardanouve, Spaeth, Pistoria, Weeding, Kadas, Quilici, Lory, Hirsch, Manning, Blaylock, Peck, Keenan, Manuel (By Request of the Governor). Referred to Committee on Taxation.
SB 308, introduced by Tveit, Driscoll, Whalen, Kolstad, Manning, Daily, Fritz, Walker, Boylan, Holliday, Lynch, Quilici, Keenan, Menahan, McCormick, Pavlovich, Pistoria, Bachini, D. Brown, Harrington. Referred to Committee on Business and Industry.
SB 309, introduced by Mazurek, O'Connell, J. Brown. Referred to Committee on Taxation.
SB 310, introduced by Mazurek, M. Williams, Eck, Quilici, Spaeth, Keenan, Addy, Neuman, Kadas, Schye, Lory, Jacobson, Regan, Harper (By Request of the Governor). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jergeson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 79 - Senator Halligan moved that SB 79 do pass. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Manning, McLane, Regan, Thayer, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 21

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Lynch, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Tveit, Vaughn.
Total 28

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

Senator Aklestad moved that SB 79 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Lynch, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn.
Total 30

Noes: Abrams, Bengtson, Blaylock, Eck, Farrell, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Manning, Mazurek, Regan, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 19

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

SB 126 - Senator Walker moved that SB 126 do pass. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 22

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 26

Excused: Lybeck.
Total 1

Absent or not voting: Williams.
Total 1

Senator Aklestad moved that SB 126 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Weeding.
Total 29

Noes: Abrams, Bengtson, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Walker, Yellowtail, Mr. President.
Total 19

Excused: Lybeck.
Total 1

Absent or not voting: Williams.
Total 1

SB 138 - Senator Hager moved that SB 138 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Himsl, Jacobson, Jergeson, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Van Valkenburg, Vaughn, Williams, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Beck, Boylan, Gage, Galt, Haffey, Hammond, Harding, Hirsch, Hofman, Keating, Lynch, McLane, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Walker, Weeding.
Total 22

Excused: Lybeck.
Total 1

Absent or not voting: Kolstad, Stimatz.
Total 2

SB 176 - Senator Eck moved that SB 176 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

SB 195 - Senator Rasmussen moved that SB 195 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

HB 108 - Senator Bengtson moved that HB 108 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 40

Noes: Crippen, Eck, Mazurek, Pinsoneault, Regan, Yellowtail.
Total 6

Excused: Lybeck.
Total 1

Absent or not voting: Hager, Rasmussen, Story.
Total 3

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in the Chair. Chairman Jergeson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 92 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: McCallum.
Total 1

Excused: Lybeck.
Total 1

Absent or not voting: Pinsoneault.
Total 1

SB 121 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Yellowtail.
Total 1

Excused: Lybeck.
Total 1

Absent or not voting: Pinsoneault.
Total 1

SB 202 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

SB 230 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~48~~ 49

Noes: ~~Abrams~~ None.
Total ~~1~~ 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Abrams, and without objection, his vote on SB 230 was recorded as yes.

HB 61 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

HB 91 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

HB 109 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.

Total 0

HB 181 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

HB 190 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Tveit.
Total 1

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

HB 215 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: Keating.
Total 1

HB 226 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

HB 227 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Lybeck.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., February 7, 1987.

Motion carried.

Senate adjourned at 5:14 p.m.

GEORGE MCCALLUM
President Pro Tempore
of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRTIETH LEGISLATIVE DAY

Helena, Montana
February 7, 1987

Senate Chambers
State Capitol

Senate convened at 9:00 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, Smith, Story, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-ninth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/7/87
Correctly printed and placed on the members' desks: SB 116, SB 173, SB 204, SB 220, SB 240, SB 242, SB 255.
Considered correctly engrossed: SB 138, SB 176, SB 195.

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 2/6/87

HB 331, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman)
HB 98, be concurred in. Report adopted. 2/6/87
HB 177, be concurred in. Report adopted. 2/5/87
HB 194, be concurred in. Report adopted. 2/6/87
HB 218, be concurred in. Report adopted. 2/5/87

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 2/5/87
SB 73, introduced bill, be amended as follows:

1. Page 4, lines 10 through 23.
Following: "2." on line 10
Strike: remainder of lines 10 through 23 in their entirety
Insert: "Imposition of tax on cardtrol-type purchase. A special fuel dealer shall, on the date of the transaction, charge the special fuel tax to a person who uses a cardtrol, keylock, or similar device to obtain delivery of special fuel."

And, as amended, do pass. Report adopted.

SB 100, introduced bill, be amended as follows:

1. Title, line 6.
Following: "BY"
Strike: "INCLUDING"
Insert: "EXCLUDING"

2. Page 1, line 15.
Following: "vehicles,"
Strike: "including"
Insert: "excluding"

3. Page 4, line 14.
Following: "vehicle"

Strike: ", trailer, semitrailer,"
Following: "~~bus,~~"
Strike: "or"

4. Page 4, line 15.
Following: line 14
Strike: "housetrailer"

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 2/7/87
Recommend that at the close of business February 7, 1987, employment of the following be terminated:

Allison Courtney ..... Page
Maret Swick ..... Page
Paul Vis ..... Page
Susan Lindquist ..... Page
Amy Gross ..... Page
Paula Steinbeisser ..... Page
Shelly Verwolf ..... Page
Sandy Swanson ..... Page
Nadine Oberg ..... Secretary to the Democratic Floor Leader

Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/6/87
SB 17, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/6/87
SB 267, do pass. Report adopted.
HB 158, be concurred in. Report adopted.

Adverse Committee Reports

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 2/5/87
HB 166, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Galt, Keating, McCallum, Thayer.
Total 4

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

HB 170, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson,

Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Galt, Hammond, Keating, Kolstad, Meyer, Thayer.
Total 7

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

MOTIONS

Senator Aklestad moved that consideration on SB 53 be passed until the 31st legislative day, 2/9/87. Motion carried.

Senator Rasmussen moved that the Senate reconsider its action in passing SB 138 on the 29th legislative day, and that SB 138 be taken from third reading and placed on second reading on the 31st legislative day, 2/9/87. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Story, Thayer, Tveit, Vaughn, Walker, Weeding.
Total 30

Noes: Abrams, Bengtson, Blaylock, Eck, Farrell, Hager, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman, Severson, Stimatz, Van Valkenburg, Williams, Yellowtail, Mr. President.
Total 19

Paired: Story, Aye; Hager, No.

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 44 - Senator Farrell moved that SB 44 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Tveit, Vaughn, Weeding, Williams.
Total 37

Noes: Beck, Bengtson, Jacobson, Lynch, Neuman, Stimatz, Van Valkenburg, Walker, Yellowtail, Mr. President.

Total 10

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

SB 63 - Senator Gage moved that SB 63, second reading copy, be amended as follows:

1. Page 3, lines 8 through 11.
Strike: "EXCEPT" on line 8 through "TAXES" on line 11

2. Page 6, line 19.
Following: "~~and~~"
Strike: "₂"
Insert: "and"

3. Page 6, lines 19 and 20.
Following: "assessed"
Strike: "₂" through "PROFIT" on line 20

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Eck.
Total 1

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

Senator Gage moved that SB 63, as amended, do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Boylan, Farrell, Gage, Halligan, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, Pinsoneault, Thayer, Tveit, Vaughn, Weeding.
Total 18

Noes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Galt, Haffey, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Walker, Yellowtail, Mr. President.
Total 28

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: Williams.
Total 1

SB 160 - Senator Mazurek moved that SB 160 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

SB 172 - Senator Yellowtail moved that SB 172 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

SB 181 - Senator Van Valkenburg moved that SB 181 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

SB 189 - Senator Lynch moved that SB 189, second reading copy, be amended as follows:

1. Title, line 6.

Strike: "CITED OR ARRESTED FOR OR CHARGED WITH"
Insert: "CONVICTED OF"

2. Page 1, line 25.
Strike: "arrested or cited for or charged with"
Insert: "convicted of"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Beck, Blaylock, Gage, Galt, Haffey, Hammond, Harding, Jacobson, Jergeson, Kolstad, Lynch, Manning, McCallum, Meyer, Neuman, Rasmussen, Regan, Vaughn, Walker, Williams, Yellowtail.
Total 23

Noes: Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Halligan, Himsl, Hirsch, Hofman, Keating, Lybeck, Mazurek, McLane, Pinsoneault, Severson, Stimatz, Thayer, Tveit, Van Valkenburg.
Total 22

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: Weeding, Mr. President.
Total 2

Senator Van Valkenburg moved that SB 189, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Blaylock, Jergeson, Yellowtail.
Total 3

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

SB 196 - Senator Brown moved that SB 196 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.

Total 0

HB 204 - Senator Walker moved that HB 204 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Hammond, Hofman, Keating.
Total 3

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

SB 63 - Senator Van Valkenburg moved that SB 63 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Brown, Eck, Farrell, Gage, Haffey, Harding, Hirsch, Jacobson, Jergeson, Lynch, Mazurek, Neuman, Pinsoneault, Regan, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Beck, Bishop, Blaylock, Boylan, Crippen, Galt, Halligan, Hammond, Himsl, Hofman, Keating, Kolstad, Lybeck, McCallum, McLane, Meyer, Rasmussen, Thayer, Tveit.
Total 20

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: Manning, Stimatz.
Total 2

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

SPECIAL ORDERS OF THE DAY

Supreme Court Justice Harrison introduced Eagle Scouts from around the state and commended them for their accomplishments.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (McCallum, Chairman) 2/7/87
HB 136, be concurred in. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 130 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Kolstad, Lynch, Manning, Meyer, Neuman, Pinsoneault, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Williams, Mr. President.
Total 29

Noes: Aklestad, Blaylock, Brown, Eck, Hager, Hammond, Harding, Himsl, Hofman, Keating, Lybeck, Mazurek, McCallum, McLane, Rasmussen, Regan, Vaughn, Weeding, Yellowtail.
Total 19

Paired: Lynch, Aye; Hager, No.

Excused: Smith, Story.
Total 2

Absent or not voting: None.
Total 0

SB 140 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

SB 180 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

SB 236 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

HB 103 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Smith, Story.
Total 3

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 9, 1987.

Motion carried.

Senate adjourned at 11:29 a.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana
February 9, 1987

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Hofman, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirtieth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/9/87

Correctly printed and placed on the members' desks: SB 17, SB 73, SB 100, SB 267.

Correctly engrossed: SB 189.

Considered correctly engrossed: SB 44, SB 160, SB 172, SB 181, SB 196.

Signed by the President at 10:30 a.m., 2/9/87: HB 106, HB 132, HB 140, HB 153, HB 176.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman)

SB 218, do pass. Report adopted. 2/5/87

SB 245, introduced bill, be amended as follows: 2/6/87

1. Title, line 6.
Following: "AVERAGE"
Insert: "DAILY"

2. Title, line 7.
Strike: "AND"

3. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

4. Page 4, line 22.
Following: "average"
Insert: "daily"

5. Page 7, line 8.
Following: "average"
Insert: "daily"

6. Page 8.
Following: line 4
Insert: "NEW SECTION. Section 3. Applicability. This act applies to finance charges computed on or after October 1, 1987."

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 2/9/87

Recommend that at the beginning of business February 9, 1987, the following be employed:

Greg Thayer .....Page

Erik Sletten ..... Page
Jamee Daily ..... Page
Lisa Hammett ..... Page
Rina Hinderstein ..... Page
LeAnn Mederios ..... Page
Tami Ginnaty ..... Page
Rhonda Manning ..... Page
Nadine Oberg ..... Legislative Telephone Operator

Recommend that employment of the following be terminated:

Linda Carlson ..... Legislative Telephone Operator

Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/6/87
SB 120, introduced bill, be amended as follows:

1. Page 1, line 14.
Following: "facility"
Strike: ", as defined in the policy or contract,"

2. Page 1, lines 19 and 20.
Following: "physician" on line 19
Strike: ", as defined in the policy or contract,"

3. Page 1, line 22.
Following: "confined as"
Strike: "a hospital"
Insert: "an"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/9/87
SB 285, do pass. Report adopted.

TAXATION (McCallum, Chairman) 2/7/87
SB 224, introduced bill, be amended as follows:

1. Page 1, line 21.
Strike: "2%"
Insert: "1%"

And, as amended, do pass. Report adopted.

Adverse Committee Report

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/6/87
SB 239, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Williams, Mr. President.
Total 40

Noes: Hirsch, Story.
Total 2

Excused: Hofman.
Total 1

Absent or not voting: Gage, Halligan, Smith, Tveit, Walker, Weeding, Yellowtail.

Total 7

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 4, introduced by Thoft.

HB 207, introduced by Addy.

HB 228, introduced by Swysgood.

HB 238, introduced by Bradley.

HB 249, introduced by Kitselman.

HB 261, introduced by Nathe.

HB 263, introduced by Bachini.

HB 273, introduced by Nelson.

HB 297, introduced by Kadas.

HB 302, introduced by Bradley.

HB 321, introduced by Bulger.

HB 334, introduced by Keenan.

HB 353, introduced by Gould.

HB 357, introduced by Bardanouve.

HB 386, introduced by Cody.

HB 401, introduced by Quilici.

HB 402, introduced by Strizich.

HB 408, introduced by Iverson.

HB 411, introduced by Harp.

HB 433, introduced by Sands.

HB 439, introduced by Grady.

HB 440, introduced by Grady.

HB 441, introduced by Grady.

HB 532, introduced by Poulsen.

HB 533, introduced by Campbell.

HB 550, introduced by Ramirez.

HB 553, introduced by Simon.

HB 563, introduced by Schye.

MOTIONS

Senator Galt moved that the following name be added to the list of sponsors of SB 286: Swift.

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:13 p.m.

Senate reconvened at 3:58 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Manning in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 53 - Senator Smith moved that SB 53 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

Senator Gage moved that SB 85, without objection, be placed at the bottom of the board. Motion carried.

Senator Neuman excused at this time.

SB 138 - Senator Hager moved that SB 138 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Himsl, Jacobson, Kolstad, Lybeck, Manning, Mazurek, McCallum, Meyer, Pinsoneault, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Noes: Aklestad, Beck, Bengtson, Boylan, Farrell, Gage, Galt, Haffey, Hammond, Harding, Hirsch, Jergeson, Keating, Lynch, McLane, Rasmussen, Regan, Smith, Story, Tveit, Walker.
Total 21

Excused: Hofman, Neuman.
Total 2

Absent or not voting: None.
Total 0

Senator Neuman present at this time.

SB 151 - Senator Galt moved that SB 151 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

SB 161 - Senator Mazurek moved that SB 161 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Galt, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Thayer, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 37

Noes: Aklestad, Boylan, Farrell, Gage, Hammond, Hirsch, McCallum, Regan, Smith, Tveit, Vaughn, Williams.
Total 12

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

SB 164 - Senator Gage moved that SB 164 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail.
Total 35

Noes: Aklestad, Bengtson, Boylan, Farrell, Hammond, Hirsch, Kolstad, Lybeck, Manning, Smith, Tveit, Walker, Mr. President.
Total 13

Excused: Hofman.
Total 1

Absent or not voting: McCallum.
Total 1

SB 170 - Senator Rasmussen moved that SB 170 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Crippen, Gage, Galt, Haffey, Halligan, Hammond, Harding, Jergeson, Keating, Kolstad, Lynch, McCallum, McLane, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 30

Noes: Blaylock, Boylan, Brown, Eck, Farrell, Hager, Himsl, Hirsch, Jacobson, Lybeck, Manning, Mazurek, Meyer, Neuman, Regan, Severson, Thayer, Van Valkenburg, Mr. President.
Total 19

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

SB 206 - Senator Hirsch moved that SB 206 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

SB 214 - Senator Mazurek moved that SB 214 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

SB 238 - Senator Beck moved that SB 238 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

HB 184 - Senator Harding moved that HB 184 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

SB 85 - Senator Gage moved that SB 85, second reading copy, be amended as follows:

1. Title, lines 6 through 8.
Following: "ACT" on line 6
Strike: remainder of line 6 through "WELLS;" on line 8

2. Title, line 14.
Following: "SECTIONS"
Strike: "17-7-502,"
Following: "82-11-132"
Strike: ","

3. Page 1, line 18 through line 12, page 4.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 6, lines 2 through 6.
Strike: section 4 in its entirety
Renumber: subsequent sections

5. Page 6, lines 11 through 14.
Strike: section 5 in its entirety
Renumber: subsequent section

6. Statement of intent.
Strike: lines 5 through 16 in their entirety

7. Statement of intent.
Following: line 16
Insert: "A statement of intent is provided for this bill in order to describe the deletion of current reporting requirements and provide

guidance concerning rulemaking authority that is granted to the department of revenue."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

Senator Gage moved that SB 85, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Manning moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 176 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

SB 195 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hirsch, Story.
Total 2

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

HB 108 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Crippen, Regan, Yellowtail.
Total 3

Excused: Hofman.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Gage, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Gage moved that the Senate reconsider its action in adopting the Adverse Committee Report on HB 166. Motion carried.

Senator Gage moved that the Senate request the return of HB 166 from the House of Representatives for further consideration. Motion carried.

Senator Gage moved that the Senate reconsider its action in adopting the Adverse Committee Report on HB 170. Motion carried.

Senator Gage moved that the Senate request the return of HB 170 from the House of Representatives for further consideration. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 10, 1987.

Motion carried.

Senate adjourned at 6:26 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 10, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

SPECIAL ORDERS OF THE DAY

U.S. Senator Max Baucus was escorted into the Senate Chambers by Senators Lynch and McCallum. He then presented the following:

SPEECH BY SENATOR MAX BAUCUS
BEFORE THE 50TH MONTANA SENATE
February 10, 1987

It's good to be among elected colleagues. I know you're facing difficult decisions affecting our state's budget and economy. I know the 50th Legislature already has been frustrating. And I know that some of the toughest decisions are yet to come. I don't envy your task. But I am here today to tell you that it is not just your task. It is our task; the task of all Montanans.

Standing here, I can't help thinking back to the 43rd Legislature, when I served with many of you.

I sat with the Missoula delegation. Doc Norman was my seatmate and Hal Harper was a republican. It was the first session after we'd adopted our new constitution.

Things were pretty easy then. Our economy was on a roll. We had revenue, and lots of it. The hottest debate was what to do about the budget surplus. That's right — the surplus.

Gene Donaldson and Francis Bardanouve's job would have been much easier then.

Now, our economy seems trapped in a tight downward spiral, creating persistent budget deficits. The temptation is to be pessimistic. But we must remember that our greatest resource isn't our minerals or farmland, or even our majestic landscape. Our greatest resource is the character of our people. It's our ability to dig down deep to overcome adversity and find a way, together, to get on with the job.

We must remember, too, that Montana isn't alone — not by a long shot.

Hard times have swept across no less than 30 states, including most of the mountain West. Even former high-growth states like Wyoming are losing jobs and people.

There's no mystery to why this is happening. The global economy isn't changing, it has changed! It has changed dramatically and that change has a profound effect on Montana.

-The worldwide glut of agricultural commodities has reduced U.S. exports from $44 billion in 1980 to $26 billion in 1986. In the meantime, we've stockpiled enough surplus wheat to bake 22 loaves of bread for every man, woman, and child alive.

-OPEC is destabilizing our energy industry. The price of oil fell by 50% from $25 a barrel in 1985 to $12 in 1986. For every one-dollar drop, our state loses $4 million in state and local revenue.

-The shift into the computer age is reducing the need for natural resources. Forty-percent of the price of an automobile represents natural resource costs. But for a semiconductor microchip, it's only three percent.

-And all our foreign competitors have been increasing their productivity faster than we have — Japan three times faster. Seventy-five percent of U.S. industries now face foreign competition. We're importing two-thirds of our TV's and radios, one-third of our lumber, and one-fourth of our copper.

For the most part, Montana isn't to blame. These are developments caused by advances in worldwide technology, and by decisions made, not only in Washington, D.C., but in Tokyo, Seoul, Taipei, Ottowa and Bonn.

For years, America has played the patsy. We've been naive. We've tried to achieve free trade by example. But other countries haven't followed our example. They've protected their own markets. And they've subsidized the invasion of ours.

Japan, for example, blocks our beef exports. Canada floods our market with subsidized lumber. The European community heavily subsidizes wheat exports, and will soon pass the United States as the leading wheat exporter to the world. Moreover, almost half of the free world's copper is produced from government-owned mines that can ignore the ordinary rules of supply and demand. Montana industries can slug it out with anybody, but not with one hand tied behind their backs!

As a member of the Senate Finance Committee, which has primary jurisdiction over trade, I'll be working to produce a solid trade law reform bill — a bill that increases Montana exports, and cracks down on unfair trade practices.

Next, we need to overhaul our farm policy. We're spending $26 billion a year for a policy that just doesn't work. We should be using our grain to recapture world markets rather than leaving it to rot in government bins.

Proposals I have made would do just that, and would put an end to the embargoes and other political games that have made us unreliable suppliers. The livelihood of the American farmer should not be held hostage to short-term political expediency.

Finally, we need to fight cheap foreign labor with smart American labor. For years, we were able to offset low foreign wage rates with superior American technology. That's changing. We are losing our technological advantage.

-Last year, 40% of all U.S. patents went to foreigners.

-Japan produces twice as many engineers, per capita, as we do. And, I might add, one-sixth as many lawyers.

-And American kids are finishing dead last in many international exams.

To turn this around, we need federal policies that encourage innovation and encourage greater cooperation between business and university research.

We also need to restore a decent level of support for education — not just moral support but dollars and cents support. We can't have a world-class economy unless we have world-class schools.

As chairman of the Senate Taxation Subcommittee, I am working to improve the tax credit for research and development and training. For example, I'll be introducing legislation to help states give displaced workers the skills they need in a changing job market.

What we do in Washington is only half of it. What we do at home is the second half. We should recognize our strengths, and build on them!

It's been said that Montana is "The last of what's best in America." That's because of:

-Our independence;

-Our generosity;

-Our clean air and flowing streams;

-Our basic economic resources;

-Our safe streets;

-And our strong commitment to education.

When we bring these values together, we're unbeatable. But that's going to take vision, creativity, and hard work.

We should not approach economic development as a painful choice between jobs, on one hand, and our traditional lifestyle, on the other. We should approach it as a combination of both.

Let me give you three examples.

The first is tourism.

By the year 2000, 35 million people in the United State will be 65 or older. Many will be retired, healthy and affluent. Montana is one of the most beautiful places in the world. We all know that. But we have to let other people know it, too. We have to tell them about Glacier, Red Lodge, and Big Sky. Otherwise, they and their dollars will go to Alberta or Alaska — areas that are promoting themselves all around the world. If you were watching the NFL playoffs, you probably saw the commercial for Alaska vacations. We've got to match that.

The second example is value-added processing.

When MIT economist David Birch spoke in Butte recently, he said that Montana was like a third-world nation, shipping natural resources elsewhere for processing. We have to bring those processing jobs home — the mills, the packing plants, the factories.

We have the workers and the skills right here in Montana. In fact, we have the fourth-highest rate of value-added per worker of any state. And companies like Columbia Falls Aluminum, Semi-Tool of Kalispell, and T-Bone Feeders prove it can be done.

The third example is technology companies — high-tech, mid-tech, and low-tech!

Montana is not going to become another Silicon Valley. But we do have a greater technology potential than we sometimes think.

More than anything else, technology companies are looking for a well-educated workforce. That we have.

-Montana has the 4th highest literacy rate in the country.

-Montana has one of the best high-school graduation rates in the country.

-Twenty-five percent of the students at MSU are in engineering.

-Western Montana College has one microcomputer for every seven students.

-And U of M has produced 22 Rhodes scholars — ranking 19th of 3300 colleges and universities.

Some Montana companies have already become technology leaders. Companies like:

-Chromatochem of Missoula, working with the University of Montana to produce filter units that remove impurities from drugs; and

-RIBI Immunochem of Hamilton, which has developed new ways to strengthen the human and animal immune systems against disease.

To build on our base of existing companies, we must maintain our commitment to educational excellence. British statesman Benjamin Disraeli said that "A nation's youth are the trustees of posterity." Well, our youth are the trustees of our prosperity.

And, again, we all have to become better salesmen. Let's face it. Most major American companies just don't expect to find the foundation for an aggressive technology industry in Montana. They still think we're some kind of economic backwater. So we have to go out and sell them on Montana.

Last summer, for example, I invited several major companies to Big Sky to learn about the potential for investment in Montana — companies like Digital, Advanced Micro Devices, and Abbott Laboratories.

I constantly run into representatives of these companies who go out of their way to tell me how surprised and impressed they were by what they found. In fact, several of the companies that visited Big Sky are now looking into specific ventures in Montana. We all must do more of this. We must bring the world to Montana, and Montana to the world.

One of the nicest things about addressing this chamber is standing beneath Charlie Russell's famous painting, "Lewis and Clark Meeting the Flathead Indians at Ross' Hole."

One of Charlie's other masterpieces is called "Pardners." It shows a cowboy cooking his meal over an evening fire, while his horse noses in to glimpse the fare — partners.

That's how we'll overcome our problems and adjust to economic change — as partners.

Montanans are counting on us — all of us — here in Helena — back in Washington, D.C. We each have our own angle, our own slightly different slant on things. But in the end, Montanans are striving for the same basic goals. We want decent jobs for ourselves and our children, and a quiet place to hunt and fish. We should embrace these common values now, and build upon the best that's in Montana.

The pledge I bring here today is to do my part. I'll do everything in my power to work with you to lead our state forward.

These are tough times. And during tough times we have to share a common meal. We are in fact partners.

Thank you.

At the conclusion of his speech, Senator Max Baucus was escorted from the Senate Chambers by Senators Lynch and McCallum.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/10/87

Correctly printed and placed on the members' desks: SB 120, SB 218, SB 224, SB 245, SB 285.

Correctly engrossed: SB 85.

Considered correctly engrossed: SB 53, SB 151, SB 161, SB 164, SB 170, SB 206, SB 214, SB 238.

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 2/9/87

HB 360, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/5/87

SB 115, introduced bill, be amended as follows:

1. Page 2, lines 17 and 18.
Following: "(2)" on line 17
Strike: remainder of lines 17 and 18 in their entirety
Insert: "A licensee as to life or disability insurance shall complete the minimum number of hours of continuing education and file with the"

2. Page 2, lines 23 through 25.
Following: "(1)" on line 23
Strike: remainder of lines 23 through 25 in their entirety
Insert: "The commissioner may discontinue the license of a life or disability insurance agent who has not completed the minimum number of hours of continuing"

3. Page 3, line 1.
Following: "months"
Insert: "as required by rule"

4. Page 3, line 13.
Following: "residence;"
Insert: "and"

5. Page 3, line 14.
Following: "privileges"
Strike: "; and"
Insert: " "

6. Page 3, line 15.
Strike: subsection (e) in its entirety
Insert: "(3) Each licensed life and disability agent shall pay to the commissioner an additional annual fee of $20 for administration of the continuing education requirement."

Committee adopted the following statement of intent:

Statement of Intent
SB 115

A statement of intent is required for this bill because section 2 grants rulemaking authority to the commissioner of insurance.

It is the intent of the legislature that the commissioner of insurance adopt rules to ensure that life and disability insurance agents complete appropriate courses in life and health insurance as a condition of renewal of their licenses. The rules of the Washington insurance commissioner (Washington Administrative Code 284-17-200 through 284-17-320) express principles which, to the extent that they cover life and health insurance, are consistent with this legislative intent.

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 2/9/87
SB 231, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 2/5/87
SB 69, introduced bill, be amended as follows:

1. Title, lines 7 and 8.
Following: "OFFICERS" on line 7
Strike: remainder of line 7 through "STANDARDS" on line 8
Insert: "WITH LIMITED JURISDICTION"

2. Title, line 10.
Strike: "69-12-108"
Insert: "61-9-512"

3. Page 3.
Following: line 6
Strike: "administration"
Insert: "assistance"

4. Page 3, line 8.
Following: "officer"
Strike: remainder of line 8 through "section" on line 11
Insert: "whose jurisdiction is limited to enforcement of violations of chapters 5 and 9 of Title 61 and any standards adopted pursuant to subsections (1) and (2) of this section. Each employee so designated as a peace officer may:

(a) issue citations and make arrests;

(b) issue summons;

(c) accept bail;

(d) serve warrants of arrest;

(e) make reasonable inspections of cargo carried by commercial motor vehicles;

(f) make reasonable safety inspections of commercial motor vehicles; and

(g) require production of documents relating to the cargo, driver, routing, maintenance, or ownership of such vehicles."

5. Page 3, line 13.
Following: "in"
Strike: "69-12-108"
Insert: "61-9-512"

6. Page 3, line 14 through page 4, line 19.
Strike: section 2 in its entirety
Insert: "Section 2. Section 61-9-512, MCA, is amended to read:

"61-9-512. Violation of rules — penalty. (1) Any violation of any rules adopted by the department ~~shall be deemed~~ is a misdemeanor.

(2) A person convicted of any standard adopted pursuant to 44-1-1005 shall be fined not less than $25 or more than $500 for the first offense and not less than $25 or more than $1,000 for each subsequent offense.

(3) The penalties provided in subsection (2) apply to any motor carrier that is a corporation subject to the standards adopted pursuant to 44-1-1005. The penalties may be imposed against:

(a) a director or officer of the corporation;

(b) any receiver, trustee, lessee, agent, or person acting for or employed by the corporation; or

(c) any broker of property or officer, agent, or employee thereof.""

7. Page 4, lines 21 and 22.
Following: "justice" on line 21
Strike: remainder of line 21 through "commission" on line 22

And, as amended, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/9/87

SB 225, introduced bill, be amended as follows:

1. Title, line 5.
Following: "40-2-312"
Strike: "THROUGH"
Insert: ","

2. Title, line 6.
Following: "40-2-314"
Insert: ","
Following: "MCA;"
Insert: "REPEALING SECTION 40-2-313, MCA;"

3. Page 5, lines 7 through 13.
Strike: section 12 in its entirety
Renumber: subsequent sections

4. Page 6, line 8.
Following: line 7
Strike: "premarital agreement of the parties;"

5. Page 8, line 2.
Following: line 1
Insert: "(5) Premarital agreements must be enforced as provided in [sections 1 through 10].

NEW SECTION. Section 14. Repealer. Section 40-2-313, MCA, is repealed."

And, as amended, do pass. Report adopted.

SB 256, introduced bill, be amended as follows:

1. Title, lines 6 through 9.
Following: "TO" on line 6
Strike: remainder of line 6 through "AND TO" on line 9

2. Title, line 9.
Following: "DEPARTMENT"

Insert: "OF SOCIAL AND REHABILITATION SERVICES"

3. Page 1, line 19.
Following: "child."
Insert: "If the court orders the department of social and rehabilitation services to conduct the investigation, the department may charge a reasonable fee, to be determined by the court."

4. Page 1, line 22 through line 2, page 2.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

5. Page 2, line 14.
Strike: "(4)"
Insert: "(3)"

6. Page 2, line 24.
Strike: "(3)"
Insert: "(2)"

And, as amended, do pass. Report adopted.

SB 258, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "~~either~~"
Insert: "either"

2. Page 1, line 24.
Following: "who"
Strike: "either"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman)
SB 111, introduced bill, be amended as follows: 2/9/87

1. Title, line 6.
Following: "PENALTY"
Insert: "EFFECTIVE JANUARY 1, 1988"

2. Page 2.
Following: line 23
Insert: "(4) The department or its agent may not require a driver who may be in violation of [section 3] to stop except upon reasonable cause to believe that he has violated another traffic regulation or that his vehicle is unsafe or not equipped as required by law."

3. Page 2, line 25.
Following: "a fine of"
Strike: "$25"
Insert: "$20"

4. Page 3, lines 10 and 11.
Following: "Evidence" on line 10
Insert: "not"
Following: "admissible" on line 10
Strike: remainder of line 10 through "negligence" on line 11

5. Page 3.
Following: line 11
Strike: "sections 1 through 6"
Insert: "section 3"

6. Page 3, line 12.
Following: "is"
Insert: "not"

7. Page 3, line 14.
Following: "vehicle,"
Strike: "but"
Insert: "and"

8. Page 3.
Following: line 14
Strike: "sections 1 through 6"
Insert: "section 3"

9. Page 3, line 15.
Following: "not"
Strike: "alone"

10. Page 3.
Following: line 24
Insert: "Section 9. Effective date. Section 4 is effective January 1, 1988."

And, as amended, do pass. Report adopted.

SB 185, introduced bill, be amended as follows: 2/6/87

1. Page 3, line 11.
Following: "granted"
Insert: "to the long-term care ombudsman or local ombudsman"

2. Page 3, line 12.
Following: "hours"
Strike: "or at any time the ombudsman"
Insert: "(9 a.m. to 6 p.m.) and to the long-term care ombudsman at any time he"

And, as amended, do pass. Report adopted.

HB 114, be concurred in. Report adopted. 2/9/87

STATE ADMINISTRATION (Haffey, Chairman)
SB 264, do pass. Report adopted. 2/9/87
SB 281, do pass. Report adopted. 2/9/87
HB 299, be concurred in. Report adopted. 2/10/87

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 3, introduced by Donaldson.

HB 359, introduced by Grady.

HB 469, introduced by Keenan.

HB 480, introduced by Miles.

HB 484, introduced by Harper.

HB 489, introduced by Miles.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 311, introduced by Hofman, McCallum, Keating, Campbell, Winslow, Bishop, Anderson, Gage, Farrell, Asay, Pinsoneault, Meyers, Severson. Referred to Committee on Judiciary.

SB 312, introduced by B. Brown. Referred to Committee on Taxation.

SB 313, introduced by Blaylock (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

SB 314, introduced by Hammond. Referred to Committee on Labor and Employment Relations.

SB 315, introduced by B. Williams, Pistoria, Farrell, Mercer, Bengtson, Peck, Gilbert, Keating, Hirsch, Eck, Harrington, Abrams, Glaser, Hammond, Vaughn, Beck, Thayer, Kitselman, Jenkins, Neuman, Thomas, Stang, Harper, Lybeck, C. Smith, Cody, Bardanouve, M. Williams, Donaldson, Darko, Kolstad, Weeding, Rasmussen, Galt, Brandewie, Spaeth, J. Brown, Nathe, Norman, Grady, Marks, Manuel, Himsl, Schye, Corne', Peterson, Wallin, Grinde, Connelly, Holliday, Simon, Jones (By Request of the Governor). Referred to Committee on Labor and Employment Relations.

SJR 10, introduced by Abrams, E. Smith, Giacometto, Jenkins, Nathe, Asay, Hoffman, Wallin, B. Williams, Weeding, Hirsch. Referred to Committee on State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 4, introduced by Thoft (By Request of the Montana Arts Council). Referred to Committee on Finance and Claims.

HB 69, introduced by Hayne. Referred to Committee on Education and Cultural Resources.

HB 143, introduced by Harper, Donaldson (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 206, introduced by McCormick, Pavlovich, Pistoria, Swysgood, D. Brown, Patterson, Driscoll, Whalen, Jones, Grady, C. Smith, Menahan, Harrington, O'Connell, Nisbet, Kitselman, Cody, Bachini, Kennerly, Schye. Referred to Committee on Business and Industry.

HB 207, introduced by Addy. Referred to Committee on Judiciary.

HB 228, introduced by Swysgood, Grady (By Request of the State Auditor). Referred to Committee on Business and Labor.

HB 234, introduced by Menahan. Referred to Committee on Taxation.

HB 235, introduced by Addy. Referred to Committee on Judiciary.

HB 238, introduced by Bradley (By Request of the Department of Military Affairs). Referred to Committee on State Administration.

HB 249, introduced by Kitselman. Referred to Committee on Labor and Employment Relations.

HB 253, introduced by Ream, Pinsoneault. Referred to Committee on Local Government.

HB 261, introduced by Nathe, Moore, Quilici, Hoffman, Swysgood, Miller, O'Connell, Pavlovich, Phillips, Rehberg, Cobb, Swift, Peck, Glaser, Campbell, Winslow, Patterson, McCormick, Daily, Nisbet, Donaldson, J. Brown, Giacometto, C. Smith, Jones, D. Brown, Poulsen, Pistoria, Bulger, Harper, Ramirez, Bachini, Holliday, Fritz, Bradley, Manuel, Koehnke, Driscoll, Menahan, Menke. Referred to Committee on Highways and Transportation.

HB 263, introduced by Bachini, Kolstad, Lynch, Pavlovich, Connelly, Nathe, Peck, Walker, Stimatz, Nisbet, O'Connell, Menahan, Poff, Harper, J. Brown, Koehnke, McCormick, Devlin, Compton, Jenkins. Referred to Committee on Education and Cultural Resources.

HB 273, introduced by Nelson (By Request of the Office of Public Instruction). Referred to Committee on Education and Cultural Resources.

HB 297, introduced by Kadas, Halligan. Referred to Committee on Highways and Transportation.

HB 302, introduced by Bradley, Thayer, Manuel, Spaeth, Brandewie, Harp, Halligan, Boylan, Donaldson, Neuman. Referred to Committee on Labor and Industry.

HB 308, introduced by Miles, Gilbert, Driscoll, Blaylock, Devlin, E. Smith, D. Brown, Spaeth, Harper. Referred to Committee on Natural Resources.

HB 320, introduced by Hansen, Corne', Kadas, Fritz, Whalen, Miles. Referred to Committee on Local Government.

HB 321, introduced by Bulger (By Request of the Department of Justice). Referred to Committee on State Administration.

HB 326, introduced by Addy (By Request of the Department of Institutions). Referred to Committee on Judiciary.

HB 334, introduced by Keenan (By Request of the Board of Social Work Examiners and Professional Counselors). Referred to Committee on Business and Industry.

HB 345, introduced by McCormick, Driscoll, C. Smith, Pistoria, Menahan, Harp (By Request of the Division of Workers' Compensation). Referred to Committee on Labor and Employment Relations.

HB 353, introduced by Gould, D. Brown, B. Brown, J. Brown, Gilbert. Referred to Committee on Judiciary.

HB 357, introduced by Bardanouve (By Request of the Legislative Finance Committee). Referred to Committee on Finance and Claims.

HB 363, introduced by Hoffman (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 386, introduced by Cody, Darko, Vaughn (By Request of the Board of Chiropractors). Referred to Committee on Business and Industry.

HB 401, introduced by Quilici, Jacobson, Halligan, Driscoll (By Request of the State Electrical Board). Referred to Committee on Business and Industry.

HB 402, introduced by Strizich. Referred to Committee on Public Health, Welfare, and Safety.

HB 408, introduced by Iverson, Galt, Marks, Eck (By Request of the Water Policy Committee). Referred to Committee on Natural Resources.

HB 411, introduced by Harp, Meyer, Manuel, Lynch, Driscoll. Referred to Committee on Business and Industry.

HB 433, introduced by Sands (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 439, introduced by Grady, Miles, Thayer (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 440, introduced by Grady, Miles, Pinsoneault (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 441, introduced by Grady, Miles, Farrell (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 532, introduced by Poulsen, Thayer, Bulger, Phillips, Miller, O'Connell, McCormick, Nisbet, Manuel, Manning, Neuman, Walker, Hannah, Donaldson, Rehberg, Darko, Kadas, E. Smith, Thoft, Ramirez, Marks, Meyer, Peck. Referred to Committee on Local Government.

HB 533, introduced by Campbell, Swysgood, Cobb, Harp, Gould, Miller, Beck. Referred to Committee on Fish and Game.

HB 550, introduced by Ramirez, Van Valkenburg (By Request of the Joint Committee on Rules). Referred to Committee on Rules.

HB 553, introduced by Simon (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on State Administration.

HB 563, introduced by Schye. Referred to Committee on Local Government.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator McCallum in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 22 - Senator Van Valkenburg moved, without objection, that SB 22 be placed below SB 255.

HB 136 - Senator Van Valkenburg moved, without objection, that HB 136 be placed above HB 87.

SB 116 - Senator Farrell moved that SB 116 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 - Senator Brown moved that SB 173 do pass. Senator Brown made a substitute motion that SB 173 be moved to the bottom of the board. Substitute motion carried.

SB 204 - Senator Thayer moved that SB 204 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 220 - Senator Yellowtail moved that SB 220 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 240 - Senator Walker moved that SB 240 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 242 - Senator Lynch moved that SB 242 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 255 - Senator Jacobson moved that SB 255 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 22 - Senator Van Valkenburg moved that consideration on SB 22 be passed. Motion carried.

HB 136 - Senator Mazurek moved that HB 136 be concurred in. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 33

Noes: Aklestad, Anderson, Boylan, Farrell, Gage, Galt, Hammond, Harding, Hofman, Kolstad, McLane, Severson, Smith, Stimatz, Story, Tveit, Mr. President.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 87 - Senator Hirsch moved that HB 87 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 99 - Senator Anderson moved that HB 99 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 151 - Senator Mazurek moved that HB 151 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 - Senator Eck moved that HB 159 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 172 - Senator Rasmussen moved that HB 172 be concurred in. Motion failed as follows:

Ayes: Bishop, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Lynch, Mazurek, Rasmussen, Severson, Stimatz, Van Valkenburg, Vaughn, Williams.
Total 21

Noes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Eck, Hammond, Hofman, Keating, Kolstad, Lybeck, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Story, Thayer, Tveit, Walker, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: Abrams, Brown, Hager, Smith, Weeding, Mr. President.
Total 6

HB 224 - Senator Farrell moved that HB 224 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 225 - Senator Hofman moved that HB 225 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 244 - Senator Lynch moved that HB 244 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 251 - Senator Jacobson moved that HB 251 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 265 - Senator Harding moved that HB 265 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 312 - Senator Jacobson moved that HB 312 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 - Senator Brown moved that SB 173, second reading copy, be amended as follows:

1. Page 1, line 23.
Strike: "or"
Insert: "against"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Brown moved that SB 173, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Galt, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Meyer, Pinsoneault, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Aklestad, Anderson, Boylan, Crippen, Gage, Hammond, Himsl, Keating, Kolstad, Lynch, McCallum, McLane, Neuman, Rasmussen, Severson, Smith, Thayer, Tveit, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair.

HB 172 - Senator Haffey moved that HB 172 be segregated from the Committee of the Whole Report. Motion carried.

Chairman McCallum moved the adoption of the committee report, as amended. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 44 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker.
Total ~~42~~ 44

Noes: ~~Hammond~~, Lynch, Van Valkenburg, ~~Vaughn~~, Weeding, Williams, Yellowtail, Mr. President.
Total ~~8~~ 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 172 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Severson.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 181 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Bengtson, Boylan, Hammond, Hofman, McCallum, Thayer.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 189 passed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Abrams, Blaylock, Boylan, Jergeson, Neuman, Regan, Yellowtail.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 196 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 204 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hammond, Keating.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Vaughn moved, without objection, that her vote on SB 44 be recorded as yes.

Senator Hammond moved, without objection, that his vote on SB 44 be recorded as yes.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 11, 1987.

Motion carried.

Senate adjourned at 5:58 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 11, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, Hofman, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the thirty-first and thirty-second legislative days, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/11/87
Correctly printed and placed on the members' desks: SB 69, SB 111, SB 115, SB 185, SB 225, SB 231, SB 256, SB 258, SB 264, SB 281.
Correctly engrossed: SB 173.
Considered correctly engrossed: SB 116, SB 204, SB 220, SB 240, SB 242, SB 255.
Signed by the President at 11:05 a.m., 2/11/87: HB 30.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman)
HB 41, be concurred in. Report adopted. 2/6/87
HB 68, third reading copy, be amended as follows: 2/10/87

1. Page 6, line 22.
Following: "(1)"
Insert: "(a)"

2. Page 7.
Following: line 2
Insert: "(b) a person:

(i) employed singly and exclusively by a retail merchant;

(ii) performing at least some of his work for the retail merchant as a private security guard; and

(iii) who has received training as a private security guard from the employer or at the employer's direction;"

3. Page 16, line 7.
Strike: ", registration,"

Committee adopted the following statement of intent:

Statement of Intent
HB 68

A statement of intent is required for this bill because in section 3 it expands the authority of the board of private security patrolmen and investigators to provide for the application of administrative fines and penalties for minor infractions of Title 37, chapter 60, and the supporting rules.

It is the intent of the legislature that the board adopt rules that conform with chapter 60 and other applicable statutes. Administrative fines and penalties for minor infractions of the chapter or of the board's rules must

be commensurate with the gravity of the infraction, and the board may not suspend or revoke a license granted under this chapter except upon indisputable evidence of violation of this chapter, other applicable statutes, or the board's rules.

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman) 2/10/87

SB 171, introduced bill, be amended as follows:

1. Title, line 7.
Following: "87-2-401"
Strike: "AND
Insert: ","
Following: "87-2-402,"
Insert: "87-4-504, AND 87-5-204,"

2. Page 2.
Following: line 5
Insert: "Section 3. Section 87-4-504, MCA, is amended to read:

"87-4-504. Bird license required. All persons hunting on shooting preserves must have a valid resident or nonresident <u>upland</u> game bird license."

Section 4. Section 87-5-204, MCA, is amended to read:

"87-5-204. License and rules for falconry. (1) The department may adopt specific rules for the keeping of records and for the trapping, taking, possession, or training of raptors used in the practice of falconry and may authorize the issuance of licenses to persons for the practice of falconry. Except as provided in 87-5-210, it is unlawful for any person to possess a raptor or to train a raptor in the practice of falconry without a license.

(2) The fee for a falconry license is $3 a year or any part of a year. A license expires April 30 each year.

(3) A license may not be issued to a person under the age of 12 years.

(4) Licensees shall have in possession a valid falconer's license when engaged in the practice of falconry. In addition, falconers loosing raptors at game birds shall have in possession a valid resident or nonresident <u>upland</u> game bird license <u>or</u> <u>waterfowl</u> <u>stamp,</u> <u>as</u> <u>appropriate</u>.

(5) Falconry licenses or permits are not transferable and may be revoked for due cause at any time by the department.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 177, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "~~(6)~~"
Insert: ", except as provided in subsection (5)"

2. Page 2, line 22.
Following: line 21
Insert: "(5) The department of revenue may deduct from collections an amount not to exceed $1 for each tax checkoff contribution for administering the voluntary checkoff program. The department is

authorized to spend the amount deducted and to hire necessary personnel."

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 2/10/87
SB 154, do pass. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 2/10/87
SB 282, do pass. Report adopted.
HB 280, be concurred in. Report adopted.
HB 311, be concurred in. Report adopted.

TAXATION (McCallum, Chairman)
SB 150, do pass. Report adopted. 2/7/87
SB 266, introduced bill, be amended as follows: 2/10/87

1. Title, line 7.
Strike: "OFF-PREMISES"
Following: "CONSUMPTION"
Insert: "ON OR OFF THE PREMISES"

2. Page 1, line 13.
Following: "import"
Insert: "in bulk"

3. Page 1, line 18.
Following: "consumption"
Insert: "on or"

And, as amended, do pass. Report adopted.

Adverse Committee Reports

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/9/87
SB 251, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Blaylock, Eck, McLane, Regan.
Total 4

Excused: Galt, Hofman.
Total 2

Absent or not voting: Severson.
Total 1

STATE ADMINISTRATION (Haffey, Chairman) 2/9/87
SB 270, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Neuman, Regan, Severson, Stimatz, Story, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Anderson, Beck, Boylan, Crippen, Gage, Hammond, Harding, Kolstad, Lybeck, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Thayer, Tveit, Vaughn.

Total 19

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

The House, on 2/10/87, acceded to the request of the Senate and returned the following House bills for further consideration:

HB 166, introduced by Jones.

HB 170, introduced by Jones.

House bills passed and transmitted to the Senate for concurrence:

HB 102, introduced by Grady.

HB 413, introduced by Brandewie.

HB 427, introduced by Vincent.

HB 485, introduced by Thoft.

HB 517, introduced by Manuel.

HB 549, introduced by Mercer.

HB 569, introduced by Grady.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 316, introduced by Hirsch. Referred to Committee on Local Government.
SB 317, introduced by Keating. Referred to Committee on State Administration.
SB 318, introduced by Jacobson, Pavlovich, Daily, Boylan. Referred to Committee on Business and Industry.
SB 319, introduced by Mazurek, Spaeth. Referred to Committee on Labor and Employment Relations.
SB 320, introduced by B. Brown, Bradley (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
SB 321, introduced by Jergeson, Bardanouve, Hirsch, Rapp-Svrcek, Asay, Schye, Yellowtail, Lybeck. Referred to Committee on Agriculture, Livestock, and Irrigation.
SB 322, introduced by Neuman, Regan, Eck, Miller, Peck, Bradley, Thayer, Meyer. Referred to Committee on Education and Cultural Resources.
SB 323, introduced by Yellowtail, Driscoll, Lynch, Asay, Manning, Weeding, Blaylock, Hanson, Russell. Referred to Committee on Education and Cultural Resources.
SB 324, introduced by Pinsoneault. Referred to Committee on Business and Industry.
SB 325, introduced by McCallum. Referred to Committee on Taxation.
SJR 11, introduced by Beck, Campbell. Referred to Committee on State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 3, introduced by Donaldson (By Request of the Office of Budget and Program Planning). Referred to Committee on Finance and Claims.

HB 102, introduced by Grady, Brandewie, Menahan, Kolstad, Meyers, Campbell, Galt, Giacometto, Jenkins, Jacobson, Hayne, Rapp-Svrcek, Lynch, Cobb, Tveit, Swysgood, Spaeth, Abrams, Anderson, M. Hanson, Keller, Poff, Hoffman, C. Smith, Marks, Harper, Beck, Jones. Referred to Committee on Taxation.

HB 166, introduced by Jones, C. Smith. Referred to Committee on Labor and Employment Relations.

HB 170, introduced by Jones, C. Smith. Referred to Committee on Labor and Employment Relations.

HB 359, introduced by Grady, Tveit, Miles, Harp, Anderson, Kolstad, Brandewie, Hoffman, Schye, Cobb, Weeding, Donaldson, Corne', Vincent, Bradley, Eck. Referred to Committee on Highways and Transportation.

HB 413, introduced by Brandewie, Mercer, Ramirez, Connelly, Peck, Sands, Bachini, J. Brown, Grady. Referred to Committee on Judiciary.

HB 427, introduced by Vincent. Referred to Committee on State Administration.

HB 469, introduced by Keenan, Menahan (By Request of the Department of Institutions). Referred to Committee on State Administration.

HB 480, introduced by Miles, Winslow (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare, and Safety.

HB 484, introduced by Harper, Strizich, McCormick, Gould, Gilbert, Grady, Nathe. Referred to Committee on State Administration.

HB 485, introduced by Thoft, Asay, Pavlovich, Stimatz, Nathe, Devlin, Harrington, Spaeth, D. Brown. Referred to Committee on State Administration.

HB 489, introduced by Miles, Winslow (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Finance and Claims.

HB 517, introduced by Manuel, Bengtson. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 549, introduced by Mercer, Schye, Brandewie. Referred to Committee on Local Government.

HB 569, introduced by Grady, Fritz, Schye, Manuel, Driscoll, Lybeck, Halligan, Brandewie, J. Brown. Referred to Committee on Business and Industry.

SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bengtson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 22 - Senator Van Valkenburg moved that SB 22, second reading copy, be amended as follows:

1. Title, line 10.
Strike: "AND"
Following: "90-8-202,"
Insert: "AND 90-8-301,"

2. Page 1, line 22.

Following: "chapter"
Insert: "and additions to net worth caused by increases in retained earnings"

3. Page 2, line 7.
Following: "means"
Insert: ": (a)"

4. Page 2, line 8.
Strike: "or a purchase and leaseback financing of"

5. Page 2, line 10.
Strike: "(a)"
Insert: "(i)"
Renumber: subsections under (i)

6. Page 2, line 21.
Strike: "(i)"
Insert: "(A)"

7. Page 2, line 22.
Strike: "(v)"
Insert: "(E)"

8. Page 3, line 5.
Strike: "(b)"
Insert: "(ii)"

9. Page 3, line 6.
Following: "board"
Insert: "; or

(b) a debt or equity financing of a business outside Montana if such investment is likely to produce a qualified investment in Montana, as long as such investment does not exceed 25% of the capital base of the capital company"

10. Page 7.
Following: line 9
Insert: "Section 4. Section 90-8-301, MCA, is amended to read:

"90-8-301. Qualified investments — penalty. (1) A qualified Montana capital company receiving investments for which a taxpayer has applied and received a tax credit must use its capital base to make qualified investments according to the following schedule:

(a) at least 30% of its capital base raised through investments for which tax credits were taken within 3 years of the date on which the certified company was designated as a ~~qualified~~ certified capital company by the board, and at least 30% of its capital base caused by increases in retained earnings within 3 years of the end of the fiscal year during which the retained earnings were earned;

(b) at least 50% of its capital base raised through investments for which tax credits were taken within 4 years of the date on which the certified company was designated as a ~~qualified~~ certified capital company by the board, and at least 50% of its capital base caused by increases in retained earnings within 4 years of the end of the fiscal year during which the retained earnings were earned; and

(c) at least 70% of its capital base raised through investments for which tax credits were taken within 5 years of the date on which the

certified company was designated as a ~~qualified~~ certified capital company by the board, and at least 70% of its capital base caused by increases in retained earnings within 5 years of the end of the fiscal year during which the retained earnings were earned.

(2) Following each annual examination, the commissioner of financial institutions shall notify the department of revenue of any companies that are not in compliance with this section.

(3) A qualified Montana capital company that fails to make qualified investments pursuant to subsection (1) shall pay to the department of revenue a penalty equal to all of the tax credits allowed to the taxpayers investing in that company during that time period, with interest at 1% a month from the date the tax credits were certified as allocated to the qualified Montana capital company. The department of revenue may abate the penalty if the capital company establishes reasonable cause for the failure to make qualified investments pursuant to subsection (1) and that the failure was not due to neglect on the part of the company. The department of revenue shall deposit any amount received under this subsection to the credit of the state general fund.""

Renumber: subsequent sections

11. Page 4, line 11.
Strike: "an"
Insert: "a qualified"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that SB 22, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.

Total 2

Absent or not voting: None.
Total 0

HB 172 - Senator Rasmussen moved that HB 172 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

SB 73 - Senator Kolstad moved, without objection, that SB 73 be placed at the bottom of the board.

SB 100 - Senator Abrams moved that SB 100 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

SB 267 - Senator Farrell moved that SB 267, second reading copy, be amended as follows:

1. Title, line 7.
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.
Following: line 9
Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that SB 267, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Regan.
Total 1

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

HB 98 - Senator Neuman moved that HB 98 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Mazurek.
Total 1

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

HB 158 - Senator Lynch moved that HB 158 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

HB 177 - Senator Kolstad moved that HB 177 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

HB 194 - Senator Walker moved that HB 194 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

HB 218 - Senator Thayer moved that HB 218 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

HB 331 - Senator Jergeson moved that HB 331 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

SB 73 - Senator Smith moved that SB 73 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Bengtson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 53 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Lybeck, Severson.
Total 2

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

SB 85 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 45

Noes: Weeding, Yellowtail.
Total 2

Excused: Galt, Hofman.
Total 2

Absent or not voting: Thayer.
Total 1

SB 138 passed as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Beck, Bengtson, Boylan, Gage, Haffey, Hirsch, Jergeson, Keating, Kolstad, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Smith, Story, Tveit, Weeding.
Total 19

Excused: Galt, Hofman.
Total 2

Absent or not voting: Farrell.
Total 1

SB 151 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

SB 161 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Boylan, Farrell, Gage, Hammond, Hirsch, McCallum, Neuman, Regan, Smith, Story, Tveit, Vaughn, Weeding, Williams.
Total 15

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

SB 164 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Hammond, Hirsch, Kolstad.
Total 4

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

SB 170 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Crippen, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hofman, Jergeson, Keating, Kolstad, Lynch, McCallum, McLane, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 31

Noes: Blaylock, Boylan, Brown, Eck, Farrell, Hager, Himsl, Hirsch, Jacobson, Lybeck, Manning, Mazurek, Meyer, Neuman, Regan, Severson, Thayer, Van Valkenburg, Mr. President.
Total 19

Paired: Galt, Hofman, Ayes; Hager, Jacobson, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 206 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Hager, Yellowtail.
Total 2

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

SB 214 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

SB 238 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

HB 184 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 12, 1987.

Motion carried.

Senate adjourned at 4:27 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

Harden, Hawes, Hayes, [illegible] Jr., [illegible], Kelly, [illegible]
Harding, Hanel, Hirsch, Jacobson, Jager, [illegible], Kelly, [illegible]
Lynch, Manning, Mazurek, McCallum, [illegible], Mei[illegible]
Pitzenreuter, Rasmussen, Regan, Sorenson, Strom, [illegible], Stan[illegible]
Tyvik, Van Valkenburg, Vaughn, Walker, Weedins, Williams, Mr.
Total 48

Noes: Meier, Vallentell
Total 2

Paired: Galt, Hofman.
Total 2

Absent or not voting: None
Total

Yes: Abrams, Aalstad, Anderson, Beck, Ben[illegible]son,
Brown, Chipman, Eck, Farrell, Gage, [illegible]ley,
Harmon, Harding, Hanel, Hirsch, Jacob[illegible]
Lybeck, Lynch, Mar[illegible], Mazurek, McCallum, [illegible], Thayer,
Rasmussen, [illegible]son, Smith, Stimate, [illegible]
Tyvik, Vallentell, [illegible] Walker, Weedins, Williams, Yelowitz.
Mr. President.
Total 48

Noes: None
Total 0

Paired: Galt, Hofman.
Total 2

Absent or not voting: None.
Total 0

[illegible] 238 passed [illegible] follows:

[illegible]
Mr. Speaker:
Gov. We[illegible]

THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana
February 12, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-third legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/12/87
Correctly printed and placed on the members' desks: SB 150, SB 154, SB 171, SB 177, SB 266, SB 282.
Correctly engrossed: SB 22, SB 267.
Considered correctly engrossed: SB 73, SB 100.
Signed by the President at 10:25 a.m., 2/12/87: HB 61, HB 91, HB 103, HB 108, HB 109, HB 181, HB 190, HB 215, HB 226, HB 227.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/11/87
SB 247, introduced bill, be amended as follows:

1. Page 18, line 1.
Following: "~~or~~"
Insert: "stop,"

And, as amended, do pass. Report adopted.

SB 250, do pass. Report adopted.
SB 254, do pass. Report adopted.
HB 203, be concurred in. Report adopted.
HB 310, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 2/12/87
SB 232, do pass. Report adopted.
SB 273, do pass. Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 2/11/87
HB 391, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/11/87
HB 88, third reading copy, be amended as follows:

1. Title, line 7.
Following: "~~MCA;~~"
Insert: "LIMITING THE AMOUNT THAT MAY BE ACCUMULATED IN A CAPITAL REPLACEMENT FUND;"

2. Page 1.
Following: line 13
Insert: "(1)"

3. Page 1.

Following: line 18
Insert: "(2) A capital replacement fund established under subsection (1) may not exceed 10% of the total value of the hospital's property, plant facilities, and equipment at the end of a fiscal year."

And, as amended, be concurred in. Report adopted.

HB 126, third reading copy, be amended as follows:

1. Page 3, lines 3 and 4.
Following: "provided"
Strike: remainder of line 3 through "The" on line 4
Insert: ". Subject to available funding, the"

2. Page 3, line 10.
Following: "services"
Strike: "SUBJECT TO AVAILABLE FUNDING"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman)
SB 70, do pass. Report adopted. 2/11/87
SB 287, do pass. Report adopted. 2/12/87
HB 335, be concurred in. Report adopted. 2/12/87

TAXATION (McCallum, Chairman) 2/11/87
SB 162, introduced bill, be amended as follows:

1. Page 16, line 4.
Strike: "and"
Insert: ","
Following: "interest"
Insert: ", costs, and charges"

2. Page 16, line 21.
Strike: "security"

3. Page 17, line 1.
Strike: "holder"
Insert: "vendor"

4. Page 17, line 2.
Following: "deed"
Insert: "or his successor in interest"

5. Page 17, lines 3 and 4.
Strike: "perfected security" on line 3
Insert: "recorded"
Following: "property" on line 3
Strike: "duly recorded with the county clerk"

6. Page 21, line 21.
Strike: "If"
Insert: "(a) Except as provided in subsection (2)(b), if"

7. Page 22, line 2.
Strike: "treasurer"
Insert: "clerk"

8. Page 22.
Following: line 7
Insert: "(b) If the county commissioners direct the county treasurer to issue a tax deed within 6 months after giving the notice required by subsection (1)(a), no additional notice need be given."

9. Page 23, line 9.
Strike: "county clerk,"
Insert: "person required to give notice"

10. Page 25, line 12.
Following: "county clerk,"
Insert: "county treasurer,"

11. Page 27, line 22.
Following: "free"
Insert: "and clear"

12. Page 27, line 22.
Following: "all"
Insert: "liens and"

13. Page 27, line 23.
Strike: "and clear of any and all claims"

14. Page 28, line 6.
Following: "easement"
Strike: "by a utility"
Insert: ", servitude, covenant, restriction, reservation, or similar burden lawfully imposed on the property"

15. Page 38, line 22.
Strike: "not" and "partial"
Before: "payment"
Insert: "less than total"

16. Page 38, lines 23 and 24.
Following: "taxes," on line 23
Strike: "but may accept only the total amount of delinquent taxes, including penalties, interest, and costs"
Insert: "subject to the following:

(a) the county treasurer may not accept less than 1 year's delinquent taxes, plus all penalties and interest due on the date of the delinquent payment; and

(b) the taxes due for the tax year that is delinquent the longest must be paid before any subsequent year"

17. Page 63, line 21.
Strike: "For"
Insert: "(a) Except as provided in subsection (1)(b), for"

18. Page 63.
Following: line 25
Insert: "(b) A tax deed may be issued between [the effective date of this act] and July 1, 1988, if the tax deed is issued for property on which property taxes are delinquent for 1982 and prior years. In such a case the tax deed is to be issued based on the procedures provided for in [this act]."

And, as amended, do pass. Report adopted.

SB 200, introduced bill, be amended as follows:

1. Title, line 7.
Following: ";"
Insert: "TO ALLOW A LOCAL OPTION VEHICLE TAX;"

2. Page 8, line 12.

Following: "61-3-504(2)"
Insert: "and [section 39]"

3. Page 11, lines 14 and 15.
Following: "department" on line 14
Strike: ", "
Insert: "or"
Following: "agent" on line 14
Strike: ", or the county treasurer under 61-3-503,"

4. Page 31, line 9.
Following: "61-3-504(2)"
Insert: "and [section 39]"

5. Page 34, line 12.
Following: "61-3-504(2)"
Insert: "and [section 39]"

6. Page 36, line 11.
Following: "61-3-504(2)"
Insert: "and [section 39]"

7. Page 37, line 20.
Following: "61-3-504(2)"
Insert: "and [section 39]"

8. Page 38, line 11.
Following: "61-3-504(2)"
Insert: "and [section 39]"

9. Page 41, line 13.
Following: "61-3-504(2)"
Insert: "and [section 39]"

10. Page 47, line 8.
Following: "61-3-504(2)"
Insert: "and [section 39]"

11. Page 62, line 18.
Following: "assessed"
Strike: "by the county treasurer"

12. Page 63, lines 6 and 7.
Following: "assessed"
Strike: "by the county treasurer"

13. Page 63, line 18.
Following: "county"
Strike: "treasurer"
Insert: "assessor"

14. Page 63, line 24.
Following: "county"
Strike: "treasurer"
Insert: "assessor"

15. Page 64, lines 2 through 5.
Following: "registered." on line 2
Strike: remainder of line 2 through end of line 5

16. Page 64, line 21.
Following: "less"
Insert: ", except for vehicles owned by disabled veterans qualifying for special license plates under 61-3-451,"

17. Page 64, line 24.
Strike: "2.5%"
Insert: "2%"

18. Page 65, line 21.
Following: "61-3-504"
Insert: "and [section 39]"

19. Page 67, line 1.
Following: "61-3-504"
Insert: "and [section 39]"

20. Page 69, line 10.
Strike: "The"
Insert: "(1) Except as provided in subsection (2), the"

21. Page 70.
Following: line 18
Insert: "(2) The district court fee for a light vehicle owned by a disabled veteran qualifying for special license plates under 61-3-451 is $3."

22. Page 70, line 21.
Strike: "The"
Insert: "(1) Except as provided in subsection (2), the"

23. Page 71.
Following: line 19
Insert: "(2) The district court fee for a light vehicle owned by a disabled veteran qualifying for special license plates under 61-3-451 is $3."

24. Page 73, line 10.
Following: "15-24-301,"
Strike: "or"
Following: "61-3-504"
Insert: ", or [section 39]"

25. Page 75.
Following: line 23
Insert: "NEW SECTION. Section 39. Local option vehicle tax. (1) A county may impose a local vehicle tax on vehicles subject to a property tax under 61-3-504(2) at the rate of 0.5% of the value determined under 61-3-503, in addition to the tax imposed under 61-3-504(2).

(2) A local vehicle tax is payable at the same time and in the same manner as the tax imposed under 61-3-504(2) and is distributed in the same manner, based on the registration address of the owner of the motor vehicle.

(3) The governing body of a county may impose a local vehicle tax for a fiscal year by adopting a resolution before July 1 of the fiscal year, after conducting a public hearing on the proposed resolution."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 309, introduced bill, be amended as follows:

1. Page 2, line 13.
Following: "~~or~~"
Insert: "or"

2. Page 2, lines 14 through 17.
Strike: subsection (e) in its entirety
Renumber: subsequent subsection

3. Page 2, line 20.
Strike: "(e)"
Insert: "(d)"

And, as amended, do pass. Report adopted.

Adverse Committee Report

TAXATION (McCallum, Chairman) 2/10/87
SB 192, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Brown, Eck, Farrell, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Meyer, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Boylan, Crippen, Gage, Galt, Hammond, Hofman, Keating, Kolstad, McCallum, McLane, Pinsoneault, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: Blaylock, Neuman, Rasmussen, Weeding.
Total 4

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 283, introduced by Darko.

HB 329, introduced by Ream.

HB 381, introduced by Grady.

HB 428, introduced by Connelly.

HB 435, introduced by Brandewie.

HB 437, introduced by Swysgood.

HB 446, introduced by Switzer.

HB 516, introduced by Manuel.

HB 573, introduced by Winslow.

MOTIONS

Senator Regan moved that SB 175 be taken from the Committee on Finance and Claims and rereferred to Committee on Rules. Motion carried.

Senator Tveit moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 270, print, and place on second reading. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Gage, Galt, Hager, Hammond, Harding, Hofman, Kolstad, Lybeck, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Thayer, Tveit, Williams.
Total 24

Noes: Abrams, Bengtson, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, Neuman, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 326, introduced by Haffey, Donaldson, Lynch, Menahan, Walker, Stimatz, Fritz, Vaughn, Himsl, Harding, McCormick, Anderson, Grady, Keenan, Pavlovich, D. Brown, J. Brown, Bachini, Rasmussen. Referred to Committee on State Administration.

SB 327, introduced by Yellowtail, Manuel, Thoft, Bishop, Iverson, Pinsoneault, Grady, Abrams. Referred to Committee on Agriculture, Livestock, and Irrigation.

SB 328, introduced by Mazurek. Referred to Committee on State Administration.

SB 329, introduced by Blaylock, Bradley. Referred to Committee on Natural Resources.

SB 330, introduced by Van Valkenburg, Driscoll, Whalen, Manning, Bishop, Walker, Stimatz, Blaylock, Addy, Haffey, Lybeck, Mazurek, Yellowtail, Ramirez, Harper, Menahan, Bachini, Harp, Pavlovich, Daily, Vincent. Referred to Committee on Labor and Employment Relations.

SB 331, introduced by E. Smith, Bishop, Jacobson, Bengtson, Keller, Jergeson, Yellowtail, Kolstad, Tveit, Ream, Nathe, Crippen, McCallum, Thayer, Hirsch, Neuman, M. Hanson, Connelly, Severson, Hammond. Referred to Committee on Fish and Game.

SB 332, introduced by Hager. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 283, introduced by Darko, J. Brown (By Request of the Child Support Advisory Council). Referred to Committee on Judiciary.

HB 329, introduced by Ream, Ellison, E. Smith, Bishop. Referred to Committee on Fish and Game.

HB 381, introduced by Grady, Manning, Cody, Miller, Rasmussen. Referred to Committee on Labor and Employment Relations.

HB 428, introduced by Connelly, Haffey (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare, and Safety.

HB 435, introduced by Brandewie, Mercer, Ramirez, Campbell, Miller, Hannah, J. Brown, Peck, Spaeth. Referred to Committee on Judiciary.

HB 437, introduced by Swysgood, Weeding (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 446, introduced by Switzer. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 516, introduced by Manuel, Bengtson. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 573, introduced by Winslow. Referred to Committee on Finance and Claims.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Severson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 17 - Senator Pinsoneault moved that SB 17, second reading copy, be amended as follows:

1. Title, line 7.
Following: "APPOINT"
Insert: "A QUALIFIED EMPLOYEE TO ACT AS"

2. Page 1, line 12.
Following: "appoint"
Insert: "a qualified employee of the department to act as"

3. Page 1, lines 13 through 15.
Following: "specialist"
Strike: remainder of line 13 through "state" on line 15

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Pinsoneault moved that SB 17, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Blaylock, Crippen, Eck, Gage, Haffey, Halligan, Harding, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 24

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Farrell, Galt, Hager, Hammond, Himsl, Hirsch, Hofman, Keating, McCallum, McLane, Meyer, Rasmussen, Story, Thayer, Tveit.
Total 21

Excused: None.
Total 0

Absent or not voting: Boylan, Kolstad, Lynch, Smith, Williams.
Total 5

SB 18 - Senator Pinsoneault moved that SB 18 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 120 - Senator Regan moved, without objection, that consideration on SB 120 be passed.

SB 218 - Senator Meyer moved that SB 218 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 224 - Senator Eck moved that SB 224 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn.
Total 35

Noes: Anderson, Beck, Bengtson, Blaylock, Himsl, Hofman, Lybeck, Pinsoneault, Rasmussen, Regan, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 15

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 245 - Senator Kolstad moved that SB 245 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 38

Noes: Halligan, Mazurek, Regan, Yellowtail.
Total 4

Excused: None.
Total 0

Absent or not voting: Blaylock, Haffey, Hager, McCallum, Neuman, Stimatz, Tveit, Williams.
Total 8

SB 285 - Senator Farrell moved that SB 285 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Severson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 116 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 38

Noes: Aklestad, Beck, Boylan, Crippen, Hammond, Keating, Kolstad, Lynch, McCallum, McLane, Thayer, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 204 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 220 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hammond, McCallum, Tveit.
Total 3

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 240 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 242 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 255 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan, Van Valkenburg.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 87 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 99 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 136 concurred in as follows:

Ayes: Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 32

Noes: Abrams, Aklestad, Anderson, Boylan, Farrell, Gage, Galt, Hammond, Harding, Hofman, Kolstad, McLane, Severson, Smith, Stimatz, Story, Tveit, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 151 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 159 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 224 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 225 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 244 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 251 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 265 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 312 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 13, 1987.

Motion carried.

Senate adjourned at 5:15 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 13, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Neuman, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-fourth legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

Senators Lynch and McCallum escorted U.S. Senator John Melcher to the rostrum where he spoke to members of the Senate.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/13/87
Correctly printed and placed on the members' desks: SB 70, SB 162, SB 200, SB 232, SB 247, SB 250, SB 254, SB 273, SB 287, SB 309.
Correctly engrossed: SB 17.
Considered correctly engrossed: SB 18, SB 218, SB 224, SB 245, SB 285.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/11/87
SB 163, introduced bill, be amended as follows:

1. Title.
Following: line 5
Insert: "TO AUTHORIZE THE STATE BANKING BOARD TO ISSUE A CERTIFICATE OF AUTHORIZATION WITHOUT NOTICE AND HEARING IN CERTAIN CIRCUMSTANCES;"

2. Title, line 6.
Strike: "SECTION"
Insert: "SECTIONS 32-1-204 AND"

3. Page 3.
Following: line 15
Insert: "Section 2. Section 32-1-204, MCA, is amended to read:

"32-1-204. Hearings — notice. (1) A hearing shall be conducted upon all applications for new bank certificates of authorization, in accordance with the Montana Administrative Procedure Act relating to a contested case, whether or not any protest to the application is filed.

(2) A notice of the filing of an application for a new bank certificate of authorization shall be mailed to all banks within 100 miles of the proposed location, measured in a straight line.

(3) A hearing shall be conducted no sooner than 30 days and not later than 90 days following the mailing of such notice.

(4) Any bank filing a written protest with the board prior to the date of the hearing shall be admitted as a "party", as defined in the

Montana Administrative Procedure Act, with full rights of a party, including the right of subpoena of witnesses and written materials, the right of cross-examination, the right to have a transcript, and the right to receive all notices, copy of the application, all orders, and the right of judicial review and appeal.

(5) All applications for mergers, consolidations, or relocations of banks shall likewise require a hearing, and all of the rights and procedures stated herein shall apply to these matters.

(6) Notwithstanding the requirements of subsections (1) through (5), when the deposit liability of any closed bank is to be transferred to or assumed by a state bank being organized for that purpose, the board is empowered to issue a certificate of authorization without notice or hearing, according to rules adopted by the board.""

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 198, introduced bill, be amended as follows:

1. Title, line 7.
Following: "BANKS;"
Insert: "AUTHORIZING THE COMMISSIONER TO ISSUE A CERTIFICATE OF AUTHORITY WITHOUT HEARING AND NOTICE IN CERTAIN EMERGENCY CIRCUMSTANCES;"

2. Title, line 11.
Following: "32-1-202,"
Strike: ", 32-1-203,"
Insert: "THROUGH 32-1-204,"

3. Page 1, line 16.
Following: "(1)"
Insert: "(a)"

4. Page 1, line 22.
Following: "United States."
Insert: "(b) In this section the word "consolidation" means a legal reorganization or combination of two or more corporations to create a single surviving corporation."

5. Page 4, line 23.
Strike: "time of the merger or consolidation"
Insert: "end of each fiscal year"

6. Page 5.
Following: line 12
Insert: "Section 3. Section 32-1-204, MCA, is amended to read:

"32-1-204. Hearings — notice — exception. (1) A hearing shall be conducted upon all applications for new bank certificates of authorization, in accordance with the Montana Administrative Procedure Act relating to a contested case, whether or not any protest to the application is filed.

(2) A notice of the filing of an application for a new bank certificate of authorization shall be mailed to all banks within 100 miles of the proposed location, measured in a straight line.

(3) A hearing shall be conducted no sooner than 30 days and not later than 90 days following the mailing of such notice.

(4) Any bank filing a written protest with the board prior to the date of the hearing shall be admitted as a "party", as defined in the Montana Administrative Procedure Act, with full rights of a party, including the right of subpoena of witnesses and written materials, the right of cross-examination, the right to have a transcript, and the right to receive all notices, copy of the application, all orders, and the right of judicial review and appeal.

(5) All applications for mergers, consolidations, or relocations of banks shall likewise require a hearing, and all of the rights and procedures stated herein shall apply to these matters.

(6) (a) Notwithstanding the requirements of subsections (1) through (5), when the deposit liability of any closed bank is to be transferred or assumed by a state bank being organized for that purpose, the board is empowered to issue a certificate of authorization without notice or hearing, according to rules adopted by the board.

(b) If no application for a certificate of authorization is made pursuant to (6)(a), the board may empower the commissioner to authorize and order the approval of the closed bank as an emergency branch bank pursuant to 32-1-372(6).

(c) The board may promulgate rules to implement this subsection.""

Renumber: subsequent sections

7. Page 8, line 23.
Following: "bank"
Insert: "and upon verification that the board did not issue a certificate of authorization pursuant to 32-1-204(6)"

8. Page 12, line 19.
Following: "~~All~~"
Strike: "Except as provided in 32-1-371, all"
Insert: "All"

9. Page 15, line 4.
Following: "(iv)"
Strike: "In"
Insert: "Except as provided in 37-1-371, in"

Committee adopted the following statement of intent:

Statement of Intent
SB 198

A statement of intent is required for this bill because it grants rulemaking authority to the state banking board within the department of commerce.

It is intended that the board adopt such rules as are necessary to:

(1) issue a certificate of authority for an emergency state-chartered bank; and

(2) authorize and order the approval of an emergency branch bank.

The rules are designed to allow emergency chartering and branching in the case of state banks and are similar to federal laws governing failed national banks.

It is contemplated that the rules will provide the exact processes and limitations that the board shall use for emergency chartering and branching. Because such authority will only exist in emergency circumstances, it is further contemplated that the board shall authorize the commissioner to

make such decisions as he may determine are warranted under the circumstances existing. Further, the rules in regard to emergency branching are to be effective only upon verification that the board did not issue an emergency charter and only in specified geographic areas.

And, as amended, do pass. Report adopted.

SB 257, introduced bill, be amended as follows:

1. Title, line 15.
Following: ";"
Insert: "AND"

2. Title, line 16.
Strike: "; AND AMENDING SECTION 69-3-305, MCA"

3. Strike: "NEW SECTION." in the following locations:
Page 1, line 19.
Page 2, lines 5 and 17.
Page 3, lines 4 and 12.
Page 4, lines 6 and 12.
Page 6, lines 1 and 5.

4. Page 4, line 24 through line 25, page 5.
Strike: section 8 in its entirety
Renumber: subsequent sections

Committee adopted the following statement of intent:

Statement of Intent
SB 257

A statement of intent is required for this bill because it delegates rulemaking authority to the public service commission and the department of social and rehabilitation services. It is the intent of the legislature that the low income telephone assistance program be narrowly targeted to the low income individuals identified in the bill and be administered in the most cost-effective way. Any rules of the public service commission promulgated under this act must be narrowly written to meet requirements for matching federal assistance.

And, as amended, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/12/87

SB 249, introduced bill, be amended as follows:

1. Title, line 4.
Following: ""AN ACT"
Strike: "REMOVING"
Insert: "EXTENDING"

2. Title, lines 6 and 7.
Following: "ACTIONS;" on line 6
Strike: remainder of line 6 through "LIMITATION;" on line 7

3. Title, lines 8 and 9.
Following: "1986;" on line 8
Strike: remainder of line 8 through "1986;" on line 9

4. Page 1, line 15.
Following: "~~date~~"
Insert: "— termination date"

5. Page 1, line 17.

Following: "~~1987~~"
Strike: "."

6. Page 1, line 18.
Following: "~~1987.~~"
Insert: ", except that section 3 is effective July 1, 1991. Sections 1 and 2 of this act terminate on June 30, 1991."

7. Page 1, lines 19 and 20.
Strike: section 2 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

Adverse Committee Reports

FINANCE AND CLAIMS (Regan, Chairman) 2/11/87
HB 214, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 41

Noes: Beck, Gage, Manning, Weeding.
Total 4

Excused: Neuman.
Total 1

Absent or not voting: Blaylock, Hager, McLane, Smith.
Total 4

STATE ADMINISTRATION (Haffey, Chairman) 2/12/87
SB 42, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Bengtson, Eck, Thayer.
Total 3

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 180, introduced by Fritz.

HB 248, introduced by Simon.

HB 315, introduced by Hoffman.

HB 387, introduced by Keenan.

HB 473, introduced by Brandewie.

HB 555, introduced by Sands.

HB 589, introduced by Koehnke.

HB 628, introduced by DeMars.

House joint resolution passed and transmitted to the Senate for concurrence:

HJR 19, introduced by Miles.

MOTIONS

Senator McCallum requested that the Committee on Rules review SB 307 as quickly as possible to determine if it complies with Senate and Joint Rules. Request granted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 334, introduced by Gage, Keating. Referred to Committee on State Administration.

SB 335, introduced by Mazurek, Crippen, Devlin, Ramirez. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 180, introduced by Fritz, Grady, Nathe, Stang, Cody. Referred to Committee on Business and Industry.

HB 248, introduced by Simon (By Request of the Department of Administration). Referred to Committee on Finance and Claims.

HB 315, introduced by Hoffman, Cobb, Keller, Giacometto, Asay, M. Hanson, Switzer, Meyers, Nathe, Poff, Anderson, Koehnke, Swysgood. Referred to Committee on Taxation.

HB 387, introduced by Keenan, Eck. Referred to Committee on Taxation.

HB 473, introduced by Brandewie (By Request of the Board of Realty Regulation). Referred to Committee on Business and Industry.

HB 555, introduced by Sands. Referred to Committee on Public Health, Welfare, and Safety.

HB 589, introduced by Koehnke. Referred to Committee on Local Government.

HB 628, introduced by DeMars, Cody, M. Williams, Weeding, Jenkins, Hirsch, Abrams, B. Williams, Schye, Poff, Manuel, Strizich, Russell, Spaeth, Cobb, Grady, Grinde, Yellowtail, Neuman, Holliday, Giacometto, Koehnke, Patterson, Devlin, Nathe, Asay, Keller. Referred to Committee on Agriculture, Livestock, and Irrigation.

HJR 19, introduced by Miles, Brandewie, Campbell, Beck, Haffey, J. Brown, Grady, Mazurek, Harding, Moore. Referred to Committee on Natural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 69 - Senator Farrell moved that SB 69 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, McCallum, Pinsoneault, Regan, Stimatz, Van Valkenburg.
Total 23

Noes: Aklestad, Beck, Blaylock, Boylan, Hammond, Harding, Himsl, Hirsch, Lynch, Mazurek, Meyer, Severson, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 20

Excused: Neuman.
Total 1

Absent or not voting: Galt, Kolstad, McLane, Rasmussen, Smith, Williams.
Total 6

SB 111 - Senator Halligan moved that SB 111, second reading copy, be amended as follows:

1. Title, lines 10 and 11.
Following: "PROVIDING" on line 10
Strike: "FOR THE ADMISSIBILITY OF"
Insert: "THAT"
Following: "EVIDENCE"
Insert: "IS NOT ADMISSIBILE"

2. Attach the following statement of intent:

Statement of Intent
SB 111

A statement of intent is required for this bill because section 3(3) grants to the department of justice general rulemaking authority to analyze and exempt from wearing seatbelts those occupants who make frequent stops with a motor vehicle in their official job duties.

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Himsl moved that SB 111, second reading copy, be further amended as follows:

1. Title, line 7.
Following: "VEHICLE"
Insert: "OUTSIDE THE LIMITS OF AN INCORPORATED CITY OR TOWN"

2. Page 2, line 8.
Following: "Montana"
Insert: "outside the limits of an incorporated city or town"

Amendment failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Severson, Smith, Stimatz, Story, Thayer.
Total 24

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Hager, Halligan, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Neuman present at this time.

Senator Boylan moved that SB 111, second reading copy, be further amended as follows:

1. Title, line 7.
Following: "OCCUPANTS"
Insert: "WHO ARE UNDER THE AGE OF 21"

2. Page 2, line 9.
Following: "position"
Insert: "who is under the age of 21"

Amendment failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Gage, Galt, Harding, Hirsch, Hofman, Kolstad, Lynch, McCallum, Smith, Stimatz, Story.
Total 15

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek in the Chair.

Senator Halligan moved that SB 111, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Harding, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Anderson, Beck, Boylan, Gage, Galt, Hammond, Himsl, Hirsch, Hofman, Kolstad, Lynch, McCallum, Neuman, Severson, Smith, Stimatz, Story, Tveit, Walker.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch in the Chair.

SB 115 - Senator Gage moved that SB 115 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 120 - Senator Regan moved that SB 120 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 185 - Senator Williams moved that SB 185 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 225 - Senator Halligan moved that SB 225 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 - Senator Yellowtail moved that SB 231 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 256 - Senator Jacobson moved that SB 256 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 258 - Senator Brown moved that SB 258 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 264 - Senator Himsl moved that SB 264 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 281 - Senator Beck moved that SB 281 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 114 - Senator Williams moved that HB 114 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 299 - Senator Harding moved that HB 299 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 360 - Senator Thayer moved that HB 360 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 22 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 73 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 100 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 267 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 98 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Beck, Himsl, Hirsch, Keating, Mazurek, Pinsoneault.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 158 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 172 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Hofman, Keating, Kolstad, McCallum, Story.
Total 5

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

HB 177 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 194 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 218 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bishop, Hager, Weeding.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 331 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., February 14, 1987.

Motion carried.

Senate adjourned at 5:21 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

[illegible]

[illegible] 219 concurred in as follows:

[illegible] Abrens, Aklestad, Anderson, Beck, Ben[illegible], Brown, Crippen, Eck, Farrell, Gage, Gall, Halfey, Halligan, [illegible], Hirsl, Hirsch, Hofman, Jacobsen, [illegible] eating, [illegible] Lynch, Manning, Mazurek, [illegible] Mayer, [illegible] Rasmussen, Regan, Severson, [illegible] Van Valkenburg, Vaughn, Walker, W[illegible]

[illegible]

Total 47

Nays: Bishop, Hagen, Wedin.

Total 3

Excused: None.

Total 0

Not voting: None.

Total

[illegible] 621 concurred in as follows:

[illegible] Abrens, Aklestad, Anderson, Beck, Ben[illegible], Brown, Crippen, Eck, Farrell, Gage, Gall, [illegible], Harding, Hirsl, Hirsch, Hofman, [illegible], Lynch, Manning, M[illegible], Rasmussen, [illegible], Severson, [illegible], Van Valkenburg, [illegible], Walker, Mr. President.

Total 50

THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 14, 1987

Senate Chambers
State Capitol

Senate convened at 9:05 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-fifth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/14/87

Correctly printed and placed on the members' desks: SB 163, SB 198, SB 249, SB 257.
Correctly engrossed: SB 111.
Considered correctly engrossed: SB 69, SB 115, SB 120, SB 185, SB 225, SB 231, SB 256, SB 258, SB 264, SB 281.
Signed by the President at 4:54 p.m., 2/13/87: HB 184, HB 204.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/13/87

HB 80, third reading copy, be amended as follows:

1. Title, lines 6 through 8.
Following: "CORRESPONDENT"
Strike: remainder of line 6 through "PLAN" on line 8
Insert: "IS NOT COVERED BY THE WORKERS' COMPENSATION ACT UNLESS THE EMPLOYER ELECTS COVERAGE"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 2/12/87

SB 174, introduced bill, be amended as follows:

1. Title, line 5.
Following: "TO"
Strike: "BUDGET IN THE ENSUING SCHOOL FISCAL YEAR FOR THE FIRST INTEREST AND PRINCIPAL"
Insert: "MAKE"

2. Title, line 6.
Following: "ON A"
Strike: "SCHOOL BOND IF THAT PAYMENT WAS PAID OR ACCRUED"
Insert: "LEGAL DEBT"

3. Title, line 8.
Following: "SECTION"
Strike: "20-9-438"
Insert: "20-9-133"

4. Page 1, line 12 through page 2, line 16.
Strike: section 1 in its entirety
Insert: "Section 1. Section 20-9-133, MCA, is amended to read:

"20-9-133. Adoption and expenditure limitations of final budget. (1) When the trustees have caused the amount of an item of the budget for the district to be determined and set, they shall enter the amount in the portion of the budget form provided for the reporting of the final budget and upon completion of all the items, the chairman and clerk shall sign the budget form. The resulting budget shall constitute the final budget and the appropriations for the district for the current school fiscal year.

(2) ~~The~~ Except as provided in subsection (3), the trustees and all officers and employees of the district shall be limited in making expenditures or incurring liabilities to the amount of such appropriations, except that transfers from any appropriation item to another appropriation item within a fund's budget may be made as provided by law. ~~Expenditures~~ Except as provided in subsection (3), expenditures made, liabilities incurred, or warrants issued in excess of any of the final budget appropriations for any item, as originally determined or as revised by transfer, shall not be a liability of the district, and no money of the district shall ever be used to pay the same.

(3) If a district incurs a legal debt after the final budget for the current fiscal year has been adopted and if payment on the debt is required for the current fiscal year, payment on the debt in the current school fiscal year is allowed if money is available.""

And, as amended, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/12/87

SB 51, introduced bill, be amended as follows:

1. Title, lines 7 through 9.
Following: "LIABILITY;" on line 7
Strike: remainder of line 7 through "NEGLIGENCE;" on line 9

2. Title, lines 9 and 10.
Following: "LIABILITY" on line 9
Strike: remainder of line 9 through "TORTFEASORS" on line 10
Insert: "IN CERTAIN CASES"

3. Page 1, line 15.
Following: "~~negligence~~"
Strike: "fault"
Insert: "negligence"

4. Page 1, line 16.
Following: "~~negligence~~"
Strike: "fault"
Insert: "negligence"

5. Page 1, line 17.
Following: "damages."
Strike: "(1)"
Following: "~~negligence~~"
Strike: "fault"
Insert: "negligence"

6. Page 1, line 20.
Following: "~~in~~"
Insert: "negligence resulting in"

7. Page 1, line 21.
Following: line 20

Strike: "contributory fault"
Insert: "negligence"
Following: "~~negligence~~"
Strike: "fault"
Insert: "negligence"

8. Page 1, line 22.
Following: "combined"
Strike: "fault"
Insert: "negligence"

9. Page 1, line 25.
Following: line 24
Strike: "fault"
Insert: "negligence"

10. Page 1, line 25 through line 1, page 2.
Following: "recovering" on line 25
Strike: remainder of line 25 through "made" on line 1, page 2

11. Page 2, lines 2 through 10.
Following: line 1
Strike: subsection (2) in its entirety

12. Page 2, line 13.
Following: "~~contribution~~"
Strike: "— apportionment of fault"
Insert: "— determination of liability"

13. Page 3, line 14 through line 9, page 4.
Strike: subsections (1) through (3) in their entirety
Insert: "(1) Except as provided in subsections (2) and (3), whenever the negligence of any party in any action is an issue, each party against whom recovery may be allowed is jointly and severally liable for the amount that may be awarded to the claimant but has the right of contribution from any other person whose negligence may have contributed as a proximate cause to the injury complained of.

(2) Any party whose negligence is determined to be 25% or less of the combined negligence of all persons described in subsection (4) is severally liable only and is responsible only for the amount of negligence attributable to him, except as provided in subsection (3). The remaining parties are jointly and severally liable for the total less the amount attributable to the claimant.

(3) A party may be jointly liable for all damages caused by the negligence of another if both acted in concert in contributing to the claimant's damages or if one party acted as an agent of the other.

(4) On motion of any party against whom a claim is asserted for negligence resulting in death or injury to person or property, any other person whose negligence may have contributed as a proximate cause to the injury complained of may be joined as an additional party to the action. For purposes of determining the percentage of liability attributable to each party whose action contributed to the injury complained of, the trier of fact shall consider the negligence of the claimant, injured person, defendants, third-party defendants, persons released from liability by the claimant, persons immune from liability to the claimant, and any other persons who have a defense against the claimant. The trier of fact shall apportion the percentage of negligence of all such persons. However, in attributing

negligence among persons, the trier of fact may not consider or determine any amount of negligence on the part of any injured person's employer or coemployee to the extent that such employer or coemployee has tort immunity under the Workers' Compensation Act or the Occupational Disease Act of this state, of any other state, or of the federal government. Contribution shall be proportional to the liability of the parties against whom recovery is allowed. Nothing contained in this section shall make any party indispensable pursuant to Rule 19, Montana Rules of Civil Procedure.

(5) If for any reason all or part of the contribution from a party liable for contribution cannot be obtained, each of the other parties shall contribute a proportional part of the unpaid portion of the noncontributing party's share and may obtain judgment in a pending or subsequent action for contribution from the noncontributing party. A party found to be 25% or less negligent for the injury complained of is liable for contribution under this section only up to the percentage of negligence attributed to him.

NEW SECTION. Section 3. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 2/14/87

Recommend that at the end of business February 14, 1987, employment of the following be terminated:

Greg Thayer ..... Page
Erik Sletten ..... Page
Jamee Daily ..... Page
Lisa Hammett ..... Page
Rina Hinderstein ..... Page
LeAnn Mederios ..... Page
Tami Ginnaty ..... Page
Rhonda Manning ..... Page

Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/12/87

SB 14, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

The combination of rapidly escalating medical care costs and rising case loads in state medical and general assistance programs is proving once again to be a "budget-buster!"

Efforts at the state and national level to develop adequate health care cost containment methods have not proven effective to date. During the five year period 1980-1985, the costs of hospital care in Montana rose 83 percent. Current proposals before the Congress to institute universal catastrophic medical insurance offer promise, but no early solution.

Legislative attempts in the 1985 regular session and 1986 special session to control rising welfare costs have been stymied by court decisions. I continue to support a constitutional provision to restore control of state welfare to the legislature, and I have written to Representative Cal Winslow stating my support for HB 637, which would place the needed amendment to the constitution on the ballot.

Total SRS expenditures for Medicaid, AFDC, General Assistance, and State Medical have more than doubled in less than a decade—from $175.8 million in the 1980-1981 biennium to $383.1 million as projected by the 1988-89 executive budget—an increase of 118%! And they continue to rise.

Since January, SRS has been compelled to increase its supplemental request for the current biennium by $17.4 million and its projected costs for the coming biennium by $42.2 million. Of this amount, $8.6 million of the supplemental and $15.3 million of the FY88-89 cost is general fund. This amount will be further increased by $4 million of general fund if the Supreme Court rules against us in the current General Assistance suit. Since these additional costs result in a negative balance in the general fund on June 30, 1989, it is necessary to amend the executive budget to reflect the higher expenditure level.

After reviewing a number of alternatives, I have concluded that SB 200, sponsored by Senator Smith, would achieve the dual objective of restoring sufficient revenue to balance the budget while providing support to local government. As introduced, this bill will provide $18.2 million to the general fund. Please consider this a formal amendment to the Executive Budget for FY88-89.

Sincerely,

Ted Schwinden
Governor

MOTIONS

Senator McLane moved that HB 41 be taken from second reading this day and placed on second reading on the 38th legislative day, 2/17/87. Motion carried.

Senator Meyer moved that HB 31 be placed below HB 68. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 336, introduced by Manning. Referred to Committee on Business and Industry.

SB 337, introduced by Manning, Lynch, Harrington, D. Brown, Farrell, Phillips, Squires, Schye, Harper, Patterson, E. Smith, Pavlovich, Jenkins, Miller, Kitselman, B. Williams, Nathe, Driscoll, Menahan, Swysgood, Miles, Severson, Ellison, Van Valkenburg, Peck. Referred to Committee on Taxation.

SB 338, introduced by Boylan, Rapp-Svrcek, Vincent, Strizich, Pinsoneault, Bradley. Referred to Committee on Judiciary.

SB 339, introduced by Boylan, Swift. Referred to Committee on State Administration.

SB 340, introduced by Severson, Cody, Patterson, McCallum, Tveit, Hofman, Farrell, Hammond, Grady, E. Smith, Schye, Switzer, Story, Galt, Thayer, Anderson, Devlin, Compton, Hirsch, Lybeck, Bishop, Crippen, Hager, Harding. Referred to Committee on Taxation.

SB 341, introduced by Keating, Van Valkenburg. Referred to Committee on Business and Industry.

SB 342, introduced by Meyer, Daily, Pavlovich, Miller, Phillips, Thayer, Manning, Walker. Referred to Committee on Taxation.

SB 343, introduced by Blaylock. Referred to Committee on Education and Cultural Resources.

SB 344, introduced by B. Brown, Blaylock, E. Smith. Referred to Committee on Education and Cultural Resources.

SB 345, introduced by Lybeck. Referred to Committee on Agriculture, Livestock, and Irrigation.

SJR 12, introduced by Weeding. Referred to Committee on Agriculture, Livestock, and Irrigation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 150 - Senator Boylan moved that SB 150 do pass. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Anderson, Hammond, Hirsch, Neuman, Thayer.
Total 6

Excused: Severson.
Total 1

Absent or not voting: Haffey, Jergeson.
Total 2

SB 154 - Senator Brown moved that SB 154, second reading copy, be amended as follows:

1. Title, line 7.
Following: "MAINTENANCE"
Insert: "; AND REQUIRING A CABOOSE AT THE REAR TRAIN CAR IN CERTAIN LIMITED SITUATIONS FOR SAFETY PURPOSES"

2. Page 1.
Following: line 11

Insert: "Section 2. Caboose required for safety — when. For purposes of ensuring the safe operation of trains in this state, a caboose is required as rear train car on any train:

(1) operating in an area not within the limits of a centralized traffic control system;

(2) not equipped so that the telemetry device can be activated from the receiver display unit on the lead locomotive for purposes of emergency application of the brakes at the end of the train unit;

(3) transporting radioactive material as defined in federal department of transportation regulations found in 49 C.F.R. 173 including high-level radioactive waste, low-level radioactive waste, and spent nuclear fuel, as defined in the Nuclear Waste Policy Act of 1982 (42 U.S.C.A. 10101); or

(4) transporting hazardous waste as defined in 75-10-602."

Renumber: subsequent section

Amendment failed as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Brown, Eck, Farrell, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Lynch, Manning, Meyer, Neuman, Regan, Stimatz, Story, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 24

Noes: Aklestad, Bengtson, Blaylock, Boylan, Crippen, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Lybeck, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Smith, Thayer, Tveit, Van Valkenburg, Yellowtail.
Total 25

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

Senator Keating moved that SB 154 do pass.

Senator Tveit moved to revert to the body of the bill for the purpose of an amendment. Objections having been raised, the Chairman ruled that the proposed amendment was not germane to the subject.

Senator Keating's motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Blaylock, Boylan, Crippen, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Smith, Thayer, Tveit, Van Valkenburg.
Total 25

Noes: Abrams, Anderson, Bishop, Brown, Eck, Farrell, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Meyer, Neuman, Stimatz, Story, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 171 - Senator Yellowtail moved that SB 171 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 177 - Senator Yellowtail moved that SB 177, second reading copy, be amended as follows:

1. Title, line 9.
Following: "PROGRAM;"
Insert: "TO PROVIDE FOR CONTINGENT COLLECTION OF ADMINISTRATIVE COSTS;"

2. Page 3.
Following: line 19
Insert: "NEW SECTION. Section 5. Contingency authorization. The authorization for deduction of administrative costs for the department of revenue in 87-5-121(5) of this act is contingent on passage and approval by the 50th legislature of legislation to require a similar deduction for administrative costs for all voluntary income tax checkoff programs authorized by law."

Amendment passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Crippen, Eck, Gage, Haffey, Harding, Jacobson, Jergeson, Keating, Lybeck, Lynch, Mazurek, Pinsoneault, Regan, Smith, Stimatz, Thayer, Van Valkenburg, Walker, Weeding, Williams, Yellowtail.
Total 24

Noes: Abrams, Anderson, Beck, Bengtson, Bishop, Farrell, Galt, Hager, Hammond, Himsl, Hirsch, Hofman, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Tveit, Vaughn.
Total 20

Excused: Severson.
Total 1

Absent or not voting: Brown, Halligan, Manning, Story, Mr. President.
Total 5

Senator Yellowtail moved, without objection, that SB 177 be moved to the bottom of the board.

SB 266 - Senator Van Valkenburg moved that SB 266 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 282 - Senator Beck moved that SB 282 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 68 - Senator Meyer moved that HB 68 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 31 - Senator Meyer moved that HB 31 be concurred in. Motion failed as follows:

Ayes: Aklestad, Anderson, Crippen, Farrell, Gage, Hammond, Harding, Himsl, Kolstad, McCallum, Meyer, Smith, Stimatz, Thayer, Weeding, Williams.
Total 16

Noes: Abrams, Beck, Bengtson, Bishop, Blaylock, Galt, Haffey, Hager, Halligan, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Mazurek, McLane, Pinsoneault, Regan, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 25

Excused: Severson.
Total 1

Absent or not voting: Boylan, Brown, Eck, Keating, Manning, Neuman, Rasmussen, Story.
Total 8

Senator Van Valkenburg moved that HB 31 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Galt, Haffey, Hager, Halligan, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Story, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 32

Noes: Aklestad, Farrell, Gage, Hammond, Harding, Himsl, Kolstad, Meyer, Neuman, Smith, Stimatz, Thayer, Weeding, Williams.
Total 14

Excused: Severson.
Total 1

Absent or not voting: Boylan, Brown, Keating.
Total 3

HB 280 - Senator Harding moved that HB 280 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

HB 311 - Senator Walker moved that HB 311 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 177 - Senator Yellowtail moved that SB 177, second reading copy, be further amended as follows:

1. Page 3, lines 2 and 3.
Following: "PROGRAM." on line 2
Strike: remainder of lines 2 and 3

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

Senator Yellowtail moved that SB 177, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Jacobson, Jergeson, Keating, Kolstad, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Himsl, Hirsch, Hofman, Lybeck.
Total 4

Excused: Severson.
Total 1

Absent or not voting: Aklestad, Boylan, Lynch, McCallum, Neuman.
Total 5

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the

Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 17 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Beck, Brown, Galt, Hager, Himsl, Keating, McCallum, Tveit.
Total 9

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 18 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Galt, McCallum, Tveit.
Total 4

Excused: Severson.
Total 1

Absent or not voting: Boylan.
Total 1

SB 218 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Keating.
Total 2

Excused: Severson.
Total 1

Absent or not voting: None.

Total 0

SB 224 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams.
Total 41

Noes: Beck, Himsl, Hofman, Lybeck, Regan, Weeding, Yellowtail, Mr. President.
Total 8

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 245 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: Halligan, Mazurek, Regan, Yellowtail.
Total 4

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SB 285 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 346, introduced by Abrams, Giacometto. Referred to Committee on Taxation.

SB 348, introduced by Story (By Request of the Senate Finance and Claims Committee). Referred to Committee on Finance and Claims.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 16, 1987.

Motion carried.

Senate adjourned at 12:05 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 16, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Neuman, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-sixth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/16/87

Correctly printed and placed on the members' desks: SB 14, SB 51, SB 174.

Correctly engrossed: SB 177.

Considered correctly engrossed: SB 150, SB 154, SB 171, SB 266, SB 282.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/13/87

SB 213, introduced bill, be amended as follows:

1. Page 14, line 25.
Strike: "violated"
Insert: "voidable"

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 2/16/87

SB 127, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "25 PERCENT OF"

2. Title, line 10.
Strike: "SCHEDULES"
Insert: "METHODS"

3. Page 1, line 19.
Strike: "to"
Strike: "25% of"
Insert: "for"

4. Page 2, lines 3 and 4.
Following: "repay"
Strike: "the amount"
Insert: "as"

5. Page 2, line 6.
Strike: "the portion of their support"
Insert: "in the manner"

6. Page 2.
Following: line 6

Insert: "(4) A student may choose to repay either by the practice of the financed profession in the state for a period of 3 years or by repayment of 25% of the state support paid on the student's behalf."
Renumber: subsequent subsections

7. Page 2, line 7.
Following: "Repayment"
Insert: "of money or practice of the profession"
Strike: "1 year"
Insert: "3 years"

8. Page 2, line 12.
Following: "practice"
Insert: "that are in addition to the 1-year internship required by 37-3-305"

9. Page 2, line 13.
Following: "Repayment"
Insert: "of money"

10. Page 2, line 14.
Strike: "begins"
Insert: "must begin pursuant to subsection (5)(a)"

11. Page 2, line 15.
Following: "5%"
Insert: "from the date on which repayment must begin pursuant to subsection (5)(a)"

Committee adopted the following statement of intent:

Statement of Intent
SB 127

A statement of intent is required for this bill because rulemaking authority is granted to the commissioner of higher education in section 1. Although the provisions of the Montana Administrative Procedure Act do not apply to the board of regents or the university system, 5-4-404 requires a statement of intent whenever a bill delegates authority. Since this bill delegates authority, a statement of intent is attached.

It is intended that the commissioner administer the repayment provisions to the greatest benefit to the state, which includes the encouragement of professional training for its citizens as well as a partial payback of some of the state's investment. The commissioner shall explicitly define the interstate compact programs involved, with the legislature intending that WICHE, WAMI, and the Minnesota rural dentistry programs be covered. The commissioner shall have the ability to alter the rules to cover the status of the compacts. It is not intended that the commissioner pick and choose among defined programs—all must be covered equally.

It is also intended that administrative procedures relating to payback and enforcement of payback be covered.

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Regan, Chairman)
SB 128, introduced bill, be amended as follows: 2/13/87

1. Page 1, line 17.
Strike: "<u>or other government entity</u>"

2. Page 1, line 18.
Strike: "<u>law enforcement</u>"
Insert: "criminal investigation"

3. Page 2, line 16.
Strike: "law enforcement"
Insert: "criminal investigation"

4. Page 3.
Following: line 1
Insert: "criminal"

5. Page 3, line 5.
Strike: "law enforcement"
Insert: "criminal investigation"

And, as amended, do pass. Report adopted.

SB 178, introduced bill, be amended as follows: 2/14/87

1. Title, line 7.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 53-3-205"

2. Page 2, line 15.
Following: "pay."
Strike: remainder of line 15 through "assistance." on line 18

3. Page 2, line 22 through page 6, line 1.
Strike: section 2 in its entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 227, do pass. Report adopted. 2/13/87
SB 253, introduced bill, be amended as follows: 2/14/87

1. Title, line 6.
Following: "ACCOUNTS"
Insert: "AND PROPRIETARY ACCOUNTS"

2. Page 1, line 16.
Following: "state"
Insert: "and other"
Following: "accounts"
Insert: "and proprietary accounts"

3. Page 1, line 18.
Following: "state"
Insert: "and other"
Following: "accounts"
Insert: "and proprietary accounts"

4. Page 1, line 23.
Following: "state"
Insert: "and other"

5. Page 2, line 8.
Following: "state"
Insert: "and other"

6. Page 2, line 9.
Following: "accounts"
Insert: "and proprietary accounts"

7. Page 2, line 14.
Following: "account"

Insert: ", other special revenue account, or proprietary account"

8. Page 2, line 18.
Following: "program"
Insert: ";"
Strike: remainder of lines 18 through 21
Renumber: subsequent subsections

9. Page 2, line 22.
Strike: "earmarked"

10. Page 3.
Strike: lines 2 through 5
Insert: "(f) has any restrictions against the transfer of unobligated balances in the account to the general fund."

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 2/16/87
Recommend that at the beginning of business February 16, 1987, the following be employed:

Alec Nisbet ..... Page
Zun-Ying Woo ..... Page
Amy Royhans ..... Page
Craig Martin ..... Page
Tim Warner ..... Page
Jeffrey Holmquist ..... Page
Kristine Byron ..... Page
Erin Darboven ..... Page
Mary Nicely ..... Page
Lloyd B. Bender ..... Legislative Assistant

Report adopted.

NATURAL RESOURCES (Keating, Chairman) 2/13/87
SJR 9, introduced bill, be amended as follows:

1. Page 2, line 3.
Following: "Montana"
Strike: "."
Insert: "; and"
Following: line 3
Insert: "WHEREAS, "directly related to agriculture" means that the sale of electricity from the hydropower project benefits an existing agricultural operation."

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/13/87
SJR 8, introduced bill, be amended as follows:

1. Page 3.
Following: line 20
Insert: "BE IT FURTHER RESOLVED, that these recommendations be adopted as guidelines for state agencies but not implemented unless adequate funding is available."

And, as amended, do pass. Report adopted.

RULES (Van Valkenburg, Chairman) 2/14/87
Recommends and advises the Senate as a whole that SB 175 is not an appropriations bill.

Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/13/87

SB 260, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "13-1-202,"

2. Page 1, line 14 through page 2, line 10.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 2, line 17.
Following: "registrar"
Strike: "but may" on line 17 through "13-2-203(3)" on line 19

4. Page 4, line 1.
Following: "~~15~~"
Strike: "1"
Insert: "15"

5. Page 4, line 21.
Following: "registrar"
Strike: "in the county in which he resides"

6. Page 5.
Following: line 18
Strike: "on"
Insert: "in at"
Following: "election" on line 19
Strike: "ballot"

7. Page 5, line 22.
Following: "than"
Strike: "5"
Insert: "10"

8. Page 6, line 2.
Following: "(1)"
Insert: "(a)"

9. Page 6, lines 10 through 12.
Following: "name." on line 10
Strike: "Separate" on line 10 through "subsection (6)." on line 12

10. Page 6.
Following: line 12
Insert: "(b) Nonpartisan offices and ballot issues may be printed on separate ballots or may appear on the same ballot as partisan offices if:

(i) each section is clearly identified as separate; and

(ii) such nonpartisan offices and ballot issues appear on each party's ballot."

11. Page 6, line 25.
Following: "number."
Strike: "The"
Insert: "If printed as a separate ballot, the"

12. Page 7, lines 12 through 18.
Strike: subsection (6) in its entirety

13. Page 11, lines 4 and 5.
Following: "omissions"
Strike: "or if the absentee ballot was destroyed"

14. Page 11, line 8.
Following: "ballot"
Insert: "or if the absentee ballot was destroyed"

15. Page 11, line 11.
Following: "received"
Insert: "or was destroyed. Before the ballot is given to the elector, the election judge shall write upon the back of the ballot the number of the ballot. The ballot may be cast out if it appears to the court to have been wrongfully or illegally voted"

16. Page 11, line 22.
Following: "13-1-104(2)"
Insert: "and (3)"

17. Page 12, lines 9 and 10.
Following: "qualified" on line 9
Strike: "and" through "voted" on line 10

18. Page 12, line 10.
Following: "they"
Insert: "may open the absentee ballot envelope."

19. Page 12, lines 12 through 16.
Strike: "may" on line 12 through ":" on line 16

20. Page 12, line 17.
Strike: "If,"

21. Page 12, line 24 through line 4, page 13.
Strike: "upon" on line 24, page 12 through "judges." on line 4, page 13
Insert: "If the absentee ballot does not meet the requirements specified in subsection (1), it must be rejected. The election judges, without opening the absentee ballot envelope, shall mark across it the reason for rejection and a majority of the judges shall sign their initials. Unopened rejected absentee ballot envelopes must be handled in the same manner as provided for rejected ballots in 13-13-243.

(3) After opening the absentee envelope and without unfolding the ballots or permitting them to be examined, the election judges shall ascertain whether the stubs are attached or enclosed and whether the numbers correspond to the numbers in the certificate of the election administrator. If so, they shall detach the stubs and deposit the stubs and ballots in the proper ballot boxes. In a primary election, the unvoted ballots must be deposited in the unvoted ballot box without being removed from their enclosure envelope.

(4) If upon opening the absentee ballot envelope it is found that the number does not correspond to the number on the certificate of the election administrator, the ballot must be rejected. The reason for rejection must be marked on the back of the ballot or ballots, and the statement must be initialed by a majority of the election judges."

22. Page 13, line 20.
Following: "under"
Insert: "the"

23. Page 13, line 21.
Strike: "provision"
Insert: "provisions"
Following: "(1)"
Insert: "or of 13-13-204(2)"

24. Page 14, lines 6 and 7.
Following: "~~in each precinct~~"
Insert: "by precinct"

25. Page 15, line 5.
Following: "~~and~~"
Insert: "13-13-241 and"

26. Page 17, line 16.
Following: "~~The~~"
Strike: "Within 2"
Insert: "Except as required by 13-27-104, within 4"

27. Page 18, line 16.
Following: "discovery of"
Insert: "fraudulent signatures or"

28. Page 18, line 18.
Following: "submit"
Insert: "the name of the elector or the petition circulator, or both,"
Strike: "such name"

29. Page 23, line 21.
Strike: "5"
Insert: "4"

30. Page 23, line 23.
Strike: "5"
Insert: "4"

31. Page 23, line 24.
Strike: "16"
Insert: "15"

32. Page 24, line 2.
Strike: "16"
Insert: "15"

And, as amended, do pass. Report adopted.

TAXATION (McCallum, Chairman) 2/14/87
SB 74, do pass. Report adopted.

Adverse Committee Reports

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 2/12/87
SB 143, introduced bill, be amended as follows:

1. Title, line 6.
Following: "SCHOOL;"
Insert: "TO ESTABLISH CRITERIA FOR ISOLATION CLASSIFICATION FOR ALL SCHOOLS;"

2. Title, line 9.
Following: "SECTIONS"
Insert: "20-2-121, 20-3-106,"

3. Page 1.
Following: line 12
Insert: "Section 1. Section 20-2-121, MCA, is amended to read:

"20-2-121. Board of public education — powers and duties. The board of public education shall:

(1) effect an orderly and uniform system for teacher certification and specialist certification and for the issuance of an emergency authorization of employment by adopting the policies prescribed by 20-4-102 and 20-4-111;

(2) consider the suspension or revocation of teacher or specialist certificates and appeals from the denial of teacher or specialist certification in accordance with the provisions of 20-4-110;

(3) administer and order the distribution of state equalization aid in accordance with the provisions of 20-9-344;

(4) adopt and enforce policies to provide uniform standards and regulations for the design, construction, and operation of school buses in accordance with the provisions of 20-10-111;

(5) approve or disapprove a reduction of the number of hours in a district's school day in accordance with the provisions of 20-1-302;

(6) adopt policies prescribing the conditions when school may be conducted on Saturday and the types of pupil-instruction-related days and approval procedure for such days in accordance with the provisions of 20-1-303 and 20-1-304;

(7) adopt standards of accreditation and establish the accreditation status of every school in accordance with the provisions of 20-7-101 and 20-7-102;

(8) approve or disapprove educational media selected by the superintendent of public instruction for the educational media library in accordance with the provisions of 20-7-201;

(9) adopt policies for the conduct of special education in accordance with the provisions of 20-7-402;

(10) adopt rules for issuance of documents certifying equivalency of completion of secondary education in accordance with 20-7-131; ~~and~~

(11) adopt policies for the conduct of programs for gifted and talented children in accordance with the provisions of 20-7-903 and 20-7-904; ~~and~~

(12) approve or disapprove school isolation classification within the limitations prescribed by 20-9-302; and

~~(12)~~(13) perform any other duty prescribed from time to time by this title or any other act of the legislature."

Section 2. Section 20-3-106, MCA, is amended to read:

"20-3-106. Supervision of schools — powers and duties. The superintendent of public instruction has the general supervision of the public schools and districts of the state, and he shall perform the following duties or acts in implementing and enforcing the provisions of this title:

(1) resolve any controversy resulting from the proration of costs by a joint board of trustees under the provisions of 20-3-362;

(2) issue, renew, or deny teacher certification and emergency authorizations of employment;

(3) negotiate reciprocal tuition agreements with other states in accordance with the provisions of 20-5-314;

(4) serve on the teachers' retirement board in accordance with the provisions of 2-15-1010;

(5) approve or disapprove the orders of a high school boundary commission in accordance with the provisions of 20-6-311;

(6) approve or disapprove the opening or reopening of a school in accordance with the provisions of 20-6-502, 20-6-503, 20-6-504, or 20-6-505;

(7) ~~approve or disapprove~~ recommend to the board of public education approval or disapproval of school isolation classification within the limitations prescribed by 20-9-302;

(8) generally supervise the school budgeting procedures prescribed by law in accordance with the provisions of 20-9-102 and prescribe the school budget format in accordance with the provisions of 20-9-103 and 20-9-506;

(9) establish a system of communication for calculating joint district revenues in accordance with the provisions of 20-9-151;

(10) approve or disapprove the adoption of a district's emergency budget resolution under the conditions prescribed in 20-9-163 and publish rules for an application for additional state aid for an emergency budget in accordance with the approval and disbursement provisions of 20-9-166;

(11) generally supervise the school financial administration provisions as prescribed by 20-9-201(2);

(12) prescribe and furnish the annual report forms to enable the districts to report to the county superintendent in accordance with the provisions of 20-9-213(5) and the annual report forms to enable the county superintendents to report to the superintendent of public instruction in accordance with the provisions of 20-3-209;

(13) approve, disapprove, or adjust an increase of the average number belonging (ANB) in accordance with the provisions of 20-9-313 and 20-9-314;

(14) distribute state equalization aid in support of the foundation program in accordance with the provisions of 20-9-342, 20-9-346, and 20-9-347;

(15) distribute state impact aid in accordance with the provisions of 20-9-304;

(16) provide for the uniform and equal provision of transportation by performing the duties prescribed by the provisions of 20-10-112;

(17) approve or disapprove an adult education program for which a district proposes to levy a tax in accordance with the provisions of 20-7-705;

(18) request, accept, deposit, and expend federal moneys in accordance with the provisions of 20-9-603;

(19) authorize the use of federal moneys for the support of an interlocal cooperative agreement in accordance with the provisions of 20-9-703 and 20-9-704;

(20) prescribe the form and contents of and approve or disapprove interstate contracts in accordance with the provisions of 20-9-705;

(21) approve or disapprove the conduct of school on a Saturday or on pupil-instruction-related days in accordance with the provisions of 20-1-303 and 20-1-304;

(22) recommend standards of accreditation for all schools to the board of public education and evaluate compliance with such standards and recommend accreditation status of every school to the board of public education in accordance with the provisions of 20-7-101 and 20-7-102;

(23) collect and maintain a file of curriculum guides and assist schools with instructional programs in accordance with the provisions of 20-7-113 and 20-7-114;

(24) establish and maintain a library of visual, aural, and other educational media in accordance with the provisions of 20-7-201;

(25) license textbook dealers and initiate prosecution of textbook dealers violating the law in accordance with the provisions of the textbooks part of this title;

(26) as the governing agent and executive officer of the state of Montana for vocational education, adopt the policies prescribed by and in accordance with the provisions of 20-7-301;

(27) consider applications for the designation of a postsecondary vocational-technical center in accordance with the provisions of 20-7-311;

(28) establish a fund for the handling of postsecondary vocational-technical center fees in accordance with the provisions of 20-7-333;

(29) supervise and coordinate the conduct of special education in the state in accordance with the provisions of 20-7-403;

(30) administer the traffic education program in accordance with the provisions of 20-7-502;

(31) administer the school food services program in accordance with the provisions of 20-10-201, 20-10-202, and 20-10-203;

(32) review school building plans and specifications in accordance with the provisions of 20-6-622;

(33) prescribe the method of identification and signals to be used by school safety patrols in accordance with the provisions of 20-1-408; and

(34) perform any other duty prescribed from time to time by this title, any other act of the legislature, or the policies of the board of public education.""

Renumber: subsequent sections

4. Page 1, line 19.
Strike: "May 1"
Insert: "April 15"

5. Page 1, line 25.

Following: "highway;"
Insert: "and"

6. Page 2, lines 7 through 9.
Following: "school"
Strike: remainder of line 7 through "instruction" on line 9

7. Page 2, line 12.
Strike: "15"
Insert: "1"

8. Page 2, lines 14 and 15.
Following: "established"
Strike: remainder of line 14 through "instruction" on line 15
Insert: "in subsection (3)"

9. Page 2, line 19.
Strike: "When"
Insert: "Except as provided in subsection (5), an applicant school may not be approved as isolated if:

(a) another operating school or schools with room to accommodate the applicant school's pupils exist within a distance of 20 road miles from the applicant school; and

(b) 50% or more of the pupils from the applicant school can, under average conditions, be transported to the nearest operating school or schools in a period of 1 hour or less.

(4) If"

10. Page 2, line 21.
Strike: "June 1"
Insert: "May 15"

11. Page 2, lines 22 and 23.
Following: "shall"
Strike: remainder of line 22 through "such" on line 23
Insert: "recommend approval or disapproval of the"

12. Page 2, line 23.
Following: "classification"
Insert: "to the board of public education"

13. Page 2, line 24.
Strike: "the fourth Monday of"
Following: "June"
Insert: "15"

14. Page 3, line 2.
Following: "initiative."
Insert: "(5) The board of public education shall approve or disapprove an application for isolation classification by June 30. Notwithstanding the criteria in subsection (3), the board of public education may classify the applicant school as isolated if the board determines that to do so is in the public interest."
Strike: "shall"
Insert: "may"

15. Page 3, lines 3 and 4.
Following: "of the"
Strike: remainder of line 3 through "instruction" on line 4
Insert: "board of public education"

16. Page 8, line 15.
Following: line 14
Insert: "NEW SECTION. Section 7. Exemption. A high school district is exempt from the provisions of 20-9-302(3) and for certain high school districts 20-9-303(3)(b) if:

(1) the district has resulted from the consolidation, after July 1, 1987, of two or more high school districts as provided in 20-6-315; or

(2) the district has annexed, after July 1, 1987, another high school district as provided in 20-6-317.

NEW SECTION. Section 8. Codification instruction. Section 7 is intended to be codified as an integral part of Title 20, chapter 9, part 3, and the provisions of Title 20 apply to section 7."

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.
Total 34

Noes: Bishop, Blaylock, Eck, Halligan, Harding, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Thayer, Vaughn, Walker, Yellowtail.
Total 15

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Neuman present at this time.

NATURAL RESOURCES (Keating, Chairman) 2/13/87
SB 221, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Williams, Mr. President.
Total 41

Noes: Eck, Lybeck, Lynch, Regan, Vaughn, Walker, Weeding, Yellowtail.
Total 8

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

MESSAGES FROM THE GOVERNOR

The Honorable William J. Norman
President of the Senate
State Capitol

Helena, MT 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return House Bill 30, "AN ACT PROHIBITING TRANSFER OF BEER BETWEEN LICENSED PREMISES; CLARIFYING WHOLESALERS' RESPONSIBILITIES IN THE DISTRIBUTION OF BEER; DEFINING "DISTRIBUTE" WITH REGARD TO BEER AND TABLE WINE; AMENDING SECTIONS 16-3-301, 16-4-103, and 16-4-108, MCA," without my signature and recommend the attached amendments for the following reasons.

House Bill No. 30 was amended in the House by adding a new section at the beginning of the bill. Subsequent sections were renumbered. Unfortunately the internal references in Sections 3, 6, 7, and 9 were not modified to reflect the renumbering.

The Legislative Council staff has advised my staff of these incorrect references and has requested that I return the bill with the necessary amendments. The enclosed amendments correct the erroneous internal references.

I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S PROPOSED AMENDMENTS
TO HOUSE BILL NO. 30
REFERENCE COPY
February 16, 1987

1. Page 3, line 1.
Following: "sections"
Strike: "3 and"
Following: "4"
Insert: "and 5"

2. Page 5, line 13.
Following: "section"
Strike: "2"
Insert: "3"

3. Page 6, line 24.
Following: "section"
Strike: "2"
Insert: "3"

4. Page 7, line 5.
Following: "Sections"
Strike: "2"
Insert: "3"
Following: "through"
Strike: "4"

Insert: "5"

5. Page 7, line 8.
Following: line 7
Strike: "2"
Insert: "3"
Following: "through"
Strike: "4"
Insert: "5"

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 83, introduced by Cody.

HB 94, introduced by C. Smith.

HB 163, introduced by Mercer.

HB 282, introduced by Lory.

HB 301, introduced by Rapp-Svrcek.

HB 325, introduced by Mercer.

HB 358, introduced by Bardanouve.

HB 361, introduced by Ramirez.

HB 367, introduced by Miller.

HB 389, introduced by Brandewie.

HB 396, introduced by Pavlovich.

HB 404, introduced by Harp.

HB 443, introduced by Corne'.

HB 453, introduced by Brandewie.

HB 457, introduced by J. Brown.

HB 471, introduced by Darko.

HB 476, introduced by Gould.

HB 483, introduced by Bradley.

HB 487, introduced by Thomas.

HB 488, introduced by Ramirez.

HB 499, introduced by Sands.

HB 504, introduced by Kadas.

HB 507, introduced by Campbell.

HB 508, introduced by Campbell.

HB 534, introduced by Hannah.

HB 536, introduced by Devlin.

HB 537, introduced by Patterson.

HB 541, introduced by C. Smith.

HB 554, introduced by Daily.

HB 571, introduced by Daily.

HB 614, introduced by Miller.

HB 615, introduced by Cody.

HJR 13, introduced by Keenan.

MOTIONS

Senator Story moved that the Senate temporarily suspend the temporary rules to introduce a Finance and Claims Committee Bill, LC 1810 (SB). Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 347, introduced by E. Smith. Referred to Committee on Natural Resources.
SB 349, introduced by Regan, Himsl. Referred to Committee on Public Health, Welfare, and Safety.
SB 350, introduced by Walker, Lynch, Jacobson, Manning, Bachini, Squires, Driscoll. Referred to Committee on Labor and Employment Relations.
SB 352, introduced by Mazurek. Referred to Committee on Fish and Game.
SB 353, introduced by Meyer, Lory, Bengtson, Miller, McLane, Sands (By Request of the State Auditor). Referred to Committee on Public Health, Welfare, and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 83, introduced by Cody. Referred to Committee on Education and Cultural Resources.
HB 94, introduced by C. Smith, Thayer, Jones, Grady, Harp, Brandewie. Referred to Committee on Business and Industry.
HB 163, introduced by Mercer, Spaeth. Referred to Committee on Judiciary.
HB 282, introduced by Lory, Squires, Gould, Hansen. Referred to Committee on Local Government.

HB 301, introduced by Rapp-Svrcek, Gould, Pinsoneault, Halligan, Hannah, Van Valkenburg, Sands. Referred to Committee on Judiciary.

HB 325, introduced by Mercer, Mazurek, Squires, Cobb, Ream, M. Williams, Peck, Lory, Campbell, Kadas, Fritz, O'Connell, Addy, Miller, Jergeson, B. Brown, Miles, Donaldson, Spaeth, Grady, Harrington, Patterson, Bachini, Hansen, Eck, Winslow, Darko, Manuel, Blaylock, Regan. Referred to Committee on State Administration.

HB 358, introduced by Bardanouve (By Request of the Legislative Finance Committee). Referred to Committee on Natural Resources.

HB 361, introduced by Ramirez, Mercer. Referred to Committee on Taxation.

HB 367, introduced by Miller. Referred to Committee on Judiciary.

HB 389, introduced by Brandewie, Hannah, Hansen (By Request of the Board of Realty Regulation). Referred to Committee on Business and Industry.

HB 396, introduced by Pavlovich, Daily, Harrington, Bachini, O'Connell, D. Brown, Quilici. Referred to Committee on Judiciary.

HB 404, introduced by Harp, Poff, Manuel, B. Williams, Gage, Brandewie. Referred to Committee on Natural Resources.

HB 443, introduced by Corne', Patterson. Referred to Committee on Business and Industry.

HB 453, introduced by Brandewie, Mercer, Harding, Jones, C. Smith. Referred to Committee on Natural Resources.

HB 457, introduced by J. Brown. Referred to Committee on Taxation.

HB 471, introduced by Darko, Kitselman, Regan, Bulger, Keating, Hansen, Winslow, Miller, Driscoll, Peck, Vaughn, Pistoria. Referred to Committee on Business and Industry.

HB 476, introduced by Gould, Driscoll, Halligan, Pistoria, Bengtson, Jones, Addy, C. Smith, Walker, B. Williams, Iverson, Gilbert, Pavlovich, Harp, Thayer. Referred to Committee on Business and Industry.

HB 483, introduced by Bradley (By Request of the Montana Historical Society). Referred to Committee on Education and Cultural Resources.

HB 487, introduced by Thomas. Referred to Committee on Business and Industry.

HB 488, introduced by Ramirez, Spaeth. Referred to Committee on Business and Industry.

HB 499, introduced by Sands (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 504, introduced by Kadas. Referred to Committee on State Administration.

HB 507, introduced by Campbell, Beck (By Request of the Department of Administration). Referred to Committee on Business and Industry.

HB 508, introduced by Campbell, Beck (By Request of the Department of Administration). Referred to Committee on State Administration.

HB 534, introduced by Hannah, M. Williams, Simon, Pistoria, Rehberg, Ramirez, Glaser, Winslow, Patterson, Kitselman, McLane, Gilbert, Anderson, Hager, O'Connell, Mercer, Asay, Devlin, Hayne, Giacometto, Stratford, Bishop, Keating, Keller, Jones, C. Smith, Roth, Sands, Switzer, Eudaily, Grinde, Nelson, E. Smith, Poulsen, Swysgood, Peterson, Meyers, Compton, Thoft, Menke, Swift, Hoffman, Miller, D. Brown, Iverson, Campbell, Thayer, Jenkins, Nathe, Brandewie, Crippen, Farrell, Sales, Harp, Ellison, Poff, McCallum, Donaldson, Phillips, Daily, Pavlovich, Wallin, Thomas, Grady. Referred to Committee on Natural Resources.

HB 536, introduced by Devlin, Switzer. Referred to Committee on Public Health, Welfare, and Safety.

HB 537, introduced by Patterson, Bengtson (By Request of the State Auditor). Referred to Committee on Business and Industry.
HB 541, introduced by Smith, Jones (By Request of the Board of Nursing). Referred to Committee on Public Health, Welfare, and Safety.
HB 554, introduced by Daily. Referred to Committee on Judiciary.
HB 571, introduced by Daily, Pavlovich, Quilici, Hannah. Referred to Committee on Public Health, Welfare, and Safety.
HB 614, introduced by Miller (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare, and Safety.
HB 615, introduced by Cody (By Request of the Board of Medical Examiners). Referred to Committee on Public Health, Welfare, and Safety.
HJR 13, introduced by Keenan, Wallin, Eck, Lynch, Darko, Haffey, Boylan, Harding, Hager, Bradley, Bulger, Miles, Marks, Menahan, Rapp-Svrcek, Whalen. Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Story in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 70 - Senator Gage moved that SB 70 do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Blaylock, Boylan, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Meyer, Pinsoneault, Rasmussen, Story, Thayer, Weeding.
Total 19

Noes: Abrams, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Haffey, Hager, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that SB 70 be indefinitely postponed. Motion carried as follows:

Ayes: Anderson, Bengtson, Eck, Haffey, Hager, Halligan, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Regan, Smith, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Beck, Blaylock, Boylan, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Keating, Meyer, Pinsoneault, Rasmussen, Story, Thayer.
Total 18

Excused: None.

Total 0

Absent or not voting: Abrams, Bishop, Brown, McCallum, Severson, Stimatz.
Total 6

SB 162 - Senator Beck moved that SB 162, second reading copy, be amended as follows:

1. Page 39, line 7.
Strike: "LESS THAN TOTAL"
Insert: "partial"

2. Page 39, lines 10 through 14.
Following: "~~costs~~" on line 10
Strike: remainder of line 10 through "(B)" on line 14
Insert: "provided that each partial payment equals the total amount of delinquent taxes, penalty, and interest for one or more individual tax years. No partial payment of less than a full tax year for any individual year may be made."

3. Page 39, line 15.
Strike: "LONGEST"
Insert: "shortest"
Strike: "SUBSEQUENT"
Insert: "prior"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Beck, Boylan, Brown, Eck, Galt, Halligan, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Story, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 27

Noes: Bengtson, Bishop, Crippen, Farrell, Gage, Hammond, Harding, Severson, Stimatz, Thayer, Vaughn.
Total 11

Excused: None.
Total 0

Absent or not voting: Anderson, Blaylock, Haffey, Hager, Himsl, Keating, Kolstad, Lynch, McCallum, Neuman, Walker, Mr. President.
Total 12

Senator Mazurek moved that SB 162, as amended, do pass. Senator McCallum made a substitute motion that SB 162 be moved to the bottom of the board. Substitute motion carried.

SB 200 - Senator Vaughn moved that SB 200, second reading copy, be amended. Senator Smith made a substitute motion that SB 200 be placed below SB 250. Substitute motion carried.

SB 232 - Senator Mazurek moved that SB 232 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 47

Noes: Blaylock, Eck, Regan.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 247 - Senator Meyer moved that SB 247 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 250 - Senator McLane moved that SB 250 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 - Senator Vaughn moved that SB 200, second reading copy, be amended as follows:

1. Page 65, line 1.
Following: "(2)"
Insert: "(a)"

2. Page 65, line 4.
Following: "motorcycle"
Strike: "2"
Insert: "or"

3. Page 65, line 5.
Following: "quadricycle"
Strike: "," through "camper"

4. Page 65.
Following: line 7
Insert: "(b) The amount of tax on a motor home, travel trailer, or camper is determined by the county treasurer and is based on 1% of the value determined under 61-3-503."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Boylan, Crippen, Gage, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 33

Noes: Blaylock, Brown, Eck, Galt, Hammond, Hirsch, Hofman, Lybeck, Severson.
Total 9

Excused: None.
Total 0

Absent or not voting: Beck, Bengtson, Farrell, Keating, McCallum, Neuman, Rasmussen, Mr. President.
Total 8

Senator Smith moved that SB 200, second reading copy, be further amended as follows:

1. Page 77, lines 5 through 11.
Strike: section 40 in its entirety
Renumber: subsequent sections

2. Page 77, line 12.
Following: "Repealer."
Insert: "(1)"

3. Page 77, line 13.
Following: "7-6-309,"
Insert: "MCA, are repealed.

(2) Sections"

4. Page 77, line 20.
Strike: "date"
Insert: "dates"

5. Page 77, line 21.
Following: "applicability."
Insert: "(1) Section 40(1) is effective July 1, 1987.

(2)"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Smith moved that SB 200, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Galt, Hammond, Harding, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Thayer, Tveit, Vaughn, Weeding, Williams, Yellowtail.
Total 32

Noes: Aklestad, Crippen, Gage, Haffey, Halligan, Himsl, Kolstad, Lynch, Neuman, Regan, Stimatz, Story, Van Valkenburg, Walker, Mr. President.
Total 15

Excused: None.
Total 0

Absent or not voting: Blaylock, Hager, Hirsch.
Total 3

SB 254 - Senator Walker moved that SB 254 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Hirsch, Jergeson, Kolstad, Lybeck, Manning, McLane, Meyer, Severson, Stimatz, Story, Thayer, Tveit, Walker, Weeding, Williams.
Total 27

Noes: Beck, Crippen, Halligan, Harding, Himsl, Keating, Mazurek, Neuman, Regan, Van Valkenburg, Yellowtail.
Total 11

Excused: None.
Total 0

Absent or not voting: Blaylock, Boylan, Hammond, Hofman, Jacobson, Lynch, McCallum, Pinsoneault, Rasmussen, Smith, Vaughn, Mr. President.
Total 12

SB 273 - Senator Regan moved that SB 273 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 287 - Senator Gage moved that SB 287 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 309 - Senator Mazurek moved that SB 309 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 88 - Senator Williams moved that HB 88 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 126 - Senator Hager moved that HB 126 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 203 - Senator Thayer moved that HB 203 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 310 - Senator Mazurek moved that HB 310 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 335 - Senator Manning moved that HB 335 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 35

Noes: Beck, Bishop, Galt, Halligan, Hammond, Himsl, McLane, Neuman, Pinsoneault, Smith, Story, Thayer, Tveit, Weeding, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 391 - Senator Keating moved that HB 391 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 162 - Senator McCallum moved that SB 162, second reading copy, be further amended as follows:

1. Strike: Senator Beck's Committee of the Whole Amendment, dated 2/16/87, at 12:40 p.m.

2. Page 39, line 7.
Strike: "LESS THAN TOTAL"
Insert: "a partial"
Following: "payment"
Strike: "of"
Insert: "equal to"

3. Page 39, lines 10 through 15.
Strike: "SUBJECT" on line 10 through "YEAR." on line 15
Insert: "including penalty and interest for one or more full taxable years provided both halves of the current tax year have been paid.

Payment of delinquent taxes must be applied to the taxes that have been delinquent the longest."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that SB 162, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Story moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 69 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Boylan, Galt, Hirsch.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 111 passed as follows:

Ayes: Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Gage, Galt, Hammond, Hirsch, Kolstad, Lynch, McCallum, Neuman, Severson, Smith, Stimatz, Story, Tveit, Walker.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 115 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 120 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 185 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Himsl, McCallum.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 225 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 231 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 256 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 258 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 264 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 281 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 114 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 299 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~49~~ 50

Noes: ~~Mazurek~~ None.
Total ~~1~~ 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 360 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hammond, Neuman.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that SB 175 be taken from the Committee on Rules and rereferred to the Committee on Local Government. Motion carried.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 17, 1987.

Motion carried.

Senate adjourned at 6:17 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
February 17, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Neuman, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-seventh legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/17/87

Correctly printed and placed on the members' desks: SB 74, SB 127, SB 128, SB 178, SB 213, SB 227, SB 253, SB 260, SJR 8, SJR 9.

Correctly engrossed: SB 162, SB 200.

Considered correctly engrossed: SB 232, SB 247, SB 250, SB 254, SB 273, SB 287, SB 309.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/16/87

SB 99, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "GEM STONE"
Insert: "SAPPHIRE"

2. Title, line 7.
Strike: "GEM STONE"
Insert: "SAPPHIRE"

3. Page 1, line 13.
Following: "in"
Strike: "gem stones"
Insert: "sapphires"
Following: "or"
Strike: "gem stone"
Insert: "sapphire"

4. Page 1, line 15.
Strike: "gem stones"
Insert: "sapphires"

5. Page 1, line 16.
Strike: "gem stone"
Insert: "sapphire"

6. Page 1, lines 17 and 18.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

7. Page 1, line 19.
Strike: "Gem stone"
Insert: "Sapphire"

8. Page 1, line 21.

Strike: "gem stone"
Insert: "sapphire"

9. Page 1, lines 22 and 23.
Strike: "Gem stone"
Insert: "Sapphire"
Following: "includes" on line 23
Insert: "but is not limited to"

10. Page 1, line 24.
Following: "staining"
Strike: "and"
Insert: ","
Following: "dyeing"
Insert: ", and bleaching"

11. Page 2, line 5.
Following: "or"
Insert: "clear or"

12. Page 2, line 6.
Strike: "gem stone"
Insert: "sapphire"

13. Page 2, line 7.
Strike: "gem stones"
Insert: "sapphires"

14. Page 2, line 8.
Strike: "gem stone"
Insert: "sapphire"

15. Page 2, line 9.
Strike: "gem stone"
Insert: "sapphire"

16. Page 2, line 10.
Strike: "gem stone"
Insert: "sapphire"

17. Page 2, line 12.
Strike: "The"
Insert: "On purchasing a business license, the"

18. Page 2, line 14.
Strike: "gem stones"
Insert: "sapphires"

19. Page 2, line 17.
Strike: "gem stone"
Insert: "sapphire"

20. Page 2, line 18.
Strike: "gem stone"
Insert: "sapphire"

21. Page 2, line 19.
Following: "of"
Strike: "gem stone"
Following: "the"
Insert: "sapphire"

22. Page 2, line 20.

Strike: "gem stone"
Insert: "sapphire"

23. Page 2, line 22.
Strike: "gem stone"
Insert: "sapphire"

24. Page 2, line 25.
Strike: "gem stone"
Insert: "sapphire"

25. Page 3, line 1.
Strike: "gem stone"
Insert: "sapphire"

26. Page 3, lines 2 and 3.
Strike: "gem stone"
Insert: "sapphire"

27. Page 3, line 4.
Strike: "gem stone"
Insert: "sapphire"

28. Page 3, line 5.
Strike: "gem stones"
Insert: "sapphires"
Following: "disclose"
Insert: "in writing"

29. Page 3, line 6.
Strike: "gem stone"
Insert: "sapphire"

30. Page 3, line 7.
Strike: "gem stone"
Insert: "sapphire"

31. Page 3, lines 8 and 9.
Strike: "gem stone"
Insert: "sapphire"

32. Page 3, line 10.
Strike: "gem stone"
Insert: "sapphire"

33. Page 3, line 13.
Strike: "gem stone"
Insert: "sapphire"

34. Page 3, lines 14 and 15.
Strike: "gem stone"
Insert: "sapphire"

35. Page 3, line 18.
Following: "A"
Strike: "gem stone"
Insert: "sapphire"
Following: "a"
Strike: "gem stone"
Insert: "sapphire"

36. Page 3, line 22.
Strike: "gem stone"

Insert: "sapphire"

37. Page 4, lines 1 and 2.
Strike: "gem stone"
Insert: "sapphire"

38. Page 4, line 2.
Following: "contracted"
Insert: "on and"

And, as amended, do pass. Report adopted.

SB 210, introduced bill, be amended as follows:

1. Title, line 10.
Strike: "30-33-1012"
Insert: "33-30-1012"

2. Page 7, line 2.
Strike: "30-33-1012"
Insert: "33-30-1012"

And, as amended, do pass. Report adopted.

SB 237, do pass. Report adopted.
SB 263, do pass. Report adopted.
SB 318, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman)

2/16/87

SB 199, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ACT"
Strike: "TO LIMIT"
Insert: "LIMITING"

2. Title, line 5.
Strike: "15"
Insert: "20"

3. Title, line 6.
Following: "YEAR;"
Insert: "ESTABLISHING A SCHEDULE OF PAYMENTS FOR DISTRIBUTION OF EQUALIZATION AID; PROVIDING A TRANSITION PERIOD;"

4. Title, line 7.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "20-9-104"
Insert: "AND 20-9-344"
Following: "MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE AND AN EFFECTIVE DATE"

5. Page 1, line 11.
Following: "reserve."
Insert: "(1)"

6. Page 1, line 18.
Following: "~~35%~~"
Strike: "15%"
Insert: "20%"

7. Page 1.
Following: line 25
Insert: "(2) If state equalization aid is less than 25% of the foundation program revenue generated in a county pursuant to 20-9-331 and 20-9-333, then the cash reserve fund may not exceed 35% of the final general fund budget for the ensuing school fiscal year.

Section 2. Section 20-9-344, MCA, is amended to read:

"20-9-344. Purpose of state equalization aid and duties of the board of public education for distribution — conditions of first payment. (1) The money available for state equalization aid shall be distributed and apportioned to provide an annual minimum operating revenue for the elementary and high schools in each county, exclusive of revenues required for debt service and for the payment of any and all costs and expense incurred in connection with any adult education program, recreation program, school food services program, new buildings, new grounds, and transportation.

(2) The board of public education shall administer and distribute the state equalization aid in the manner and with the powers and duties provided by law. To this end, the board of public education shall:

(a) adopt policies for regulating the distribution of state equalization aid in accordance with the provisions of law and in a manner that would most effectively meet the financial needs of districts;

(b) have the power to require such reports from the county superintendents, budget boards, county treasurers, and trustees as it may deem necessary; and

(c) order the superintendent of public instruction to distribute the state equalization aid on the basis of each district's annual entitlement to such aid as established by the superintendent of public instruction. In ordering the distribution of state equalization aid, the board of public education shall not increase or decrease the state equalization aid distribution to any district on account of any difference which may occur during the school fiscal year between budgeted and actual receipts from any other source of school revenue.

(3) Should a district receive more state equalization aid than it is entitled to, the county treasurer must return the overpayment to the state upon the request of the superintendent of public instruction in the manner prescribed by the department of commerce.

~~(4) The first payment of state equalization aid must be:~~

~~(a) based on an estimate of 20% of each district's entitlement; and~~

~~(b) distributed by July 15 of the school fiscal year.~~

(4) State equalization aid must be distributed every 2 months in five equal payments, with:

(a) the first payment:

(i) distributed by July 31 of the school fiscal year; and

(ii) based on an estimate of 20% of each district's entitlement; and

(b) the last payment distributed by March 31 of the school fiscal year."

NEW SECTION. Section 3. Transition — applicability. (1) A school district may reduce its general fund cash reserve in three equal increments, one increment each school fiscal year.

(2) The provisions of 20-9-104 are applicable to every school district after June 30, 1990.

NEW SECTION. Section 4. Extension of authority. Any existing authority of the board of public education to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 5. Effective date. This act is effective July 1, 1987."

And, as amended, do pass. Report adopted.

SB 235, introduced bill, be amended as follows:

1. Title, lines 4 and 5.
Following: "ACT"
Strike: "CHANGING THE DEFINITION OF PUPIL TO INCLUDE PEOPLE WHO ARE 19 YEARS OLD AND THEREBY"

2. Page 3, line 23.
Following: "~~19th~~"
Strike: "20th"
Insert: "19th"

3. Page 3, line 25.
Following: "expense."
Insert: "For purposes of calculating the average number belonging (ANB) pursuant to 20-9-311, the definition of pupil includes a person who has not yet reached his 19th birthday by September 10 of the year and is enrolled under 20-5-101(3) in a school established and maintained under the laws of the state at public expense."

And, as amended, do pass. Report adopted.

SB 276, introduced bill, be amended as follows:

1. Page 2, line 19.
Following: "signed by"
Strike: "each member"
Insert: "by a majority"

2. Page 2, line 20.
Following: "met"
Insert: "."
Strike: remainder of subsection (3)(a)

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 2/16/87
SB 348, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 2/14/87
SB 179, do pass. Report adopted.
SB 194, introduced bill, be amended, as follows:

1. Page 6, line 23 through page 7, line 13.
Following: "follows:" on page 6, line 23
Strike: remainder of line 13 through "LN." on page 7, line 13

Insert: "Beaverhead, BV; Big Horn, BH; Blaine, BL; Broadwater, BW; Carbon, CB; Carter, CT; Cascade, CS; Chouteau, CH; Custer, CU; Daniels, DN; Dawson, DW; Deer Lodge, DL; Fallon, FA; Fergus, FE; Flathead, FL; Gallatin, GT; Garfield, GD; Glacier, GC; Golden Valley, GV; Granite, GR; Hill, HI; Jefferson, JE; Judith Basin, JB; Lake, LA; Lewis and Clark, LC; Liberty, LB; Lincoln, LN; Madison, MA; McCone, MC; Meagher, MR; Mineral, MN; Missoula, MS; Musselshell, MU; Park, PK; Petroleum, PE; Phillips, PH; Pondera, PO; Powder River, PD; Powell, PW; Prairie, PR; Ravalli, RA; Richland, RI; Roosevelt, RV; Rosebud, RB; Sanders, SA; Sheridan, SH; Silver Bow, SB; Stillwater, SW; Sweet Grass, SG; Teton, TE; Toole, TO; Treasure, TR; Valley, VA; Wheatland, WH; Wibaux, WB; and Yellowstone, YE."

And, as amended, do pass. Report adopted.

SB 212, introduced bill, be amended as follows:

1. Page 16, line 12.
Following: "Class"
Strike: "I"
Insert: "A"

2. Page 16, line 13.
Following: "Class"
Strike: "II"
Insert: "B"

Committee adopted the following statement of intent:

Statement of Intent
SB 212

A statement of intent is required for this bill because [section 40] grants rulemaking authority to the department of justice. The bill gives the department authority to define commercial motor vehicle and to prescribe requirements and procedures for the licensing of commercial motor vehicles and commercial vehicle operators.

It is the legislature's intent that the department adopt rules for commercial motor vehicles and operators in order to bring the state into compliance with federal regulations established by Title XII, Commercial Motor Vehicle Safety Act of 1986, effective July 1, 1987.

And, as amended, do pass. Report adopted.

SB 271, introduced bill, be amended as follows:

1. Page 2, lines 13 through 15.
Following: "means" on line 13
Insert: ": (a)"
Following: "the" on line 13
Strike: "current invoice" on line 13 through "date of sale" on line 15
Insert: "published terminal prices closest to the point of an alleged violation of [this act], as compiled by generally accepted petroleum industry-related companies that publish such prices, including oil price information service and computer petroleum information, that were in effect on the day of the alleged violation;"
Following: "or" on line 15
Insert: "(b)"

2. Page 2, line 25.
Strike: "3%"

Insert: "1%"

3. Page 4, line 9.
Following: "prohibited."
Insert: "(1)"

4. Page 4, line 22.
Following: line 21
Insert: "(2) A retailer who is also a refiner or broker shall add the cost to retailer and cost to wholesaler markups required under [section 2]."

And, as amended, do pass. Report adopted.

HJR 5, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/16/87

SB 152, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Following: "IF THE" on line 6
Strike: remainder of line 6 through "METHOD" on line 7
Insert: "COMPLAINANT HAS ATTEMPTED TO RESOLVE THE DISPUTE THROUGH A GRIEVANCE PROCEDURE"

2. Title, line 9.
Following: "AND"
Strike: "A RETROACTIVE"
Insert: "AN"

3. Page 1, line 25.
Following: "in"
Strike: "subsections"
Insert: "subsection"

4. Page 1, line 25 through line 1, page 2.
Following: "(2)(b)" on line 25
Strike: remainder of line 1 through "(2)(c)" on line 1, page 2

5. Page 2, lines 4 through 18.
Strike: subsections (b) and (c) in their entirety
Insert: "(b) If the complainant has initiated efforts to resolve the dispute underlying the complaint by filing a grievance in accordance with any grievance procedure established by a collective bargaining agreement, contract, or written rule or policy, the complaint may be filed within 180 days after the conclusion of the grievance procedure if the grievance procedure concludes within 120 days after the alleged unlawful discriminatory practice occurred or was discovered. If the grievance procedure does not conclude within 120 days, the complaint must be filed within 300 days after the alleged unlawful discriminatory practice occurred or was discovered."
Renumber: subsequent subsection

6. Page 2, line 23.
Following: "in"
Strike: "subsections"
Insert: "subsection"
Following: "(2)"
Strike: "and (3)"

7. Page 3, lines 2 through 16.
Strike: subsections (2) and (3) in their entirety

Insert: "(2) If the complainant has initiated efforts to resolve the dispute underlying the complaint by filing a grievance in accordance with any grievance procedure established by a collective bargaining agreement, contract, or written rule or policy, the complaint may be filed within 180 days after the conclusion of the grievance procedure if the grievance procedure concludes within 120 days after the alleged unlawful discriminatory practice occurred or was discovered. If the grievance procedure does not conclude within 120 days, the complaint must be filed within 300 days after the alleged unlawful discriminatory practice occurred or was discovered."
Renumber: subsequent subsection

8. Page 4, lines 2 and 3.
Following: "applies" on line 2
Strike: remainder of line 2 through "1986" on line 3
Insert: "to claims accruing after the effective date of this act"

And, as amended, do pass. Report adopted.

SB 229, introduced bill, be amended as follows:

1. Page 7, lines 5 and 6.
Following: "shall" on line 5
Strike: remainder of line 5 through "and" on line 6

2. Page 7, line 9.
Following: "the"
Insert: "person is placed in community-based services or if the"

And, as amended, do pass. Report adopted.

SB 261, introduced bill, be amended as follows:

1. Title, line 5.
Following: "FOR"
Strike: "AN ADULT"
Insert: "A PERSON 21 YEARS OF AGE OR OLDER"

2. Page 2, line 19.
Following: "(5)"
Strike: "An adult"
Insert: "A person 21 years of age or older at the time of sale who is"

And, as amended, do pass. Report adopted.

SB 275, do pass. Report adopted.

SB 289, introduced bill, be amended as follows:

1. Title.
Following: line 4
Strike: "EXTRADITION WITHOUT A HEARING"
Insert: "THE RETURN TO ANOTHER STATE"

2. Title, line 6.
Following: "A"
Insert: "BAIL,"
Following: "PROBATION"
Insert: ","

3. Title.
Following: line 6
Strike: "SIGNED IN ANOTHER"

Insert: ", ORDER, OR OTHER CONDITIONAL RELEASE FROM THAT OTHER"
Following: "AGREEMENT"
Insert: ", ORDER, OR OTHER CONDITIONAL RELEASE"

4. Page 1, line 13 through line 4, page 2.
Strike: section 1 in its entirety
Insert: "NEW SECTION. Section 1. Prior waiver of extradition. (1) A person who is alleged to have violated the terms of his bail, probation, parole, or any other conditional release from another state and who is held in this state may be released to the duly authorized agent of that other state without the warrant provided for in 46-30-213 if the following has occurred:

(a) a district court in this state has held a hearing at which the state has presented:

(i) a certified copy of an agreement to waive extradition, signed by the person, or an order from the other state releasing the person on the condition that he waive extradition;

(ii) a certified copy of the warrant or order from the other state directing the return of the person for violating the terms of his release; and

(iii) evidence that the person is the same person named in the warrant or order; and

(b) the district court has found that there is probable cause to believe that the person is the same person charged in the warrant or order. Whenever a district court makes this finding, it shall, except as provided in subsection (2), order that the person be remanded to custody and delivered to agents of the other state. The court shall also advise the person of his right to contest the order by filing a writ of habeas corpus.

(2) If the person wishes to test the validity of the order issued pursuant to subsection (1)(b), the court shall fix a reasonable time for him to apply for a writ of habeas corpus before he may be released to agents from the other state."

And, as amended, do pass. Report adopted.

SB 303, introduced bill, be amended as follows:

1. Title.
Following: line 5
Strike: "FAILURE TO PROVIDE ADEQUATE"

2. Title, line 7.
Following: "OF"
Strike: ""HARM TO A CHILD'S HEALTH OR WELFARE""
Insert: ""ADEQUATE HEALTH CARE""

3. Page 2, line 12.
Following: "health"
Strike: "or psychological"

4. Page 3, line 4.
Following: "treatment,"
Insert: "or psychological care"

5. Page 7, lines 6 and 7.

Following: "personally,"
Strike: remainder of line 6 through "service" on line 7
Insert: "the person or agency may be served"

6. Page 7.
Following: line 7
Strike: "shall apply"
Insert: "in the manner provided by the Montana Rules of Civil Procedure for other types of proceedings"

And, as amended, do pass. Report adopted.

SB 306, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/16/87
SJR 11, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 298, introduced by Rapp-Svrcek.

HB 364, introduced by Bradley.

HB 370, introduced by Asay.

HB 424, introduced by Moore.

HB 426, introduced by Campbell.

HB 467, introduced by Ream.

HB 493, introduced by Nathe.

HB 505, introduced by Menahan.

HB 574, introduced by Pavlovich.

HB 612, introduced by Roth.

HB 622, introduced by Brandewie.

HB 624, introduced by M. Williams.

HB 626, introduced by Fritz.

HB 640, introduced by Swift.

HJR 11, introduced by Miller.

HJR 24, introduced by Swift.

MOTIONS

Senator Blaylock moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 143, print, and place on second reading.

Senator Lynch moved the previous question. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Blaylock's motion failed as follows:

Ayes: Bishop, Blaylock, Boylan, Eck, Gage, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Keating, Lybeck, Lynch, Manning, Mazurek, Meyer, Pinsoneault, Regan, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 24

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Brown, Crippen, Farrell, Galt, Hammond, Hirsch, Hofman, Jergeson, Kolstad, McCallum, McLane, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Weeding, Williams.
Total 25

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

President Norman asked Senators Lynch and McCallum to escort Congressman Pat Williams to the rostrum. He then presented the following:

SPEECH BY CONGRESSMAN PAT WILLIAMS BEFORE THE 50TH MONTANA SENATE
February 17, 1987

Mister President, members of the Senate, fellow Montanans, it's good to be back — if only for a few hours — in this great Capitol Building.

It's good, too, to see a few new faces and so many familiar faces. I notice that only two of you were here when I served in the Legislature exactly 20 years ago — Larry Stimatz and Matt Himsl.

It's become a tradition of sorts for members of the Montana Congressional Delegation to come here, spend some time and exchange thoughts with each new Legislature.

This year, the occasion is particularly special.

In Washington, the nation is commemorating the historic and newly convened 100th Congress — two hundred years of law made by free people.

Here at home, we Montanans are marking our own special anniversary in self-government — the golden, 50th anniversary of this State Legislature.

That these two milestones coincide is altogether fitting. From virtually the very beginning, this great nation and this grand state have grown and grown up together.

The United States was brand new in 1809. It had only been sixteen years since the country ratified the Bill of Rights and a fellow named Manuel

Lisa was felling trees at the juncture of the Yellowstone and Big Horn Rivers and building Montana's first fur trading post. America and Montana were open for business.

Two years later, John Colter was hiking through what would become Yellowstone National Park.

Two generations later, back East, as the terrible Civil War raged on, surely Abraham Lincoln had a moment of enjoyment — his mind pondering the wonders of the West — as he wrote his signature on the document declaring the Montana Territory. And out here, we were discovering gold in the hills of Butte.

A generation later in 1889, electric lights glowed for the first time in the White House, and the bright light of statehood glowed for Montana — the 41st state.

Fourteen years later, the Wright Brothers at Kitty Hawk, swinging wide the door of opportunity, soared for the first time — 59 seconds and 852 feet, while Montana leaders of the Blackfeet rode to Washington to meet with the nation's leaders and talk of fairness of opportunity for all.

In 1911, Teddy Roosevelt came to hunt the Flathead and see Glacier. Jeannette Rankin hunted votes in this state legislature for Women's Suffrage.

So it has been. Nation and state, we have shared together, worked together and fought together. In both of this century's World Wars, Montanans have fought in more numbers for our size than any other state. Together, we endured the economic deprivations of the Great Depression, then prospered through the halcyon days of the sixties and seventies.

Now, once again today, both nation and state are struggling with the same dilemma.

This state's government, for the first time in its 100 years, confronts a substantial debt, and our federal government, in the past six years, has amassed more debt than in all our previous 200 years combined.

In the Congress, we are struggling to contain and reduce that federal debt. As many of you may know, I sit on the Budget Committee of the House of Representatives. I appreciate your dilemma because I know firsthand that your task, like ours in Washington, can seem overwhelming.

However, unlike the U.S. Congress, you have only three real options for reducing spending — assistance for the poor and elderly, assistance for public schools, and funds for Montana's infrastructure of roads, bridges and buildings. Not one of the three offers an appealing option.

I urge the people of Montana to be patient with you as you work through the difficult choices of spending cuts and revenue increases. I believe Montanans understand that you face an uphill pull and I believe that you will act with the fairness and the boldness to earn their continued support.

Yes, this state and this nation are, once again, in it together.

Since 1981, we have seen the downward spiral in market values of raw materials and commodities ranging from copper to wheat to lumber. Thirty-four states, ours included, have experienced a less than 1.5 percent growth rate this decade. That's a growth recession in 34 states! Budgets for 21 states will be cut below last year's spending levels. Energy states, and of course we are one, face budget deficits as high as $600 million.

Montanans have had our special share of trouble. Between 1979 and 1985 we lost 8000 jobs in our resource industries. Last year sixteen counties had average unemployment rates of more than 10 percent. The wholesale and retail trade, finance and manufacturing sectors of our economy have made modest gains, but mining, construction and utilities have lost ground.

Some Montanans suggest and many others wonder if our economic woes are due to an "anti-business attitude".

If our state's laws discourage economic development then I am confident that this legislature, bi-partisan in nature as it is, and this Governor, widely recognized and hailed for his aggressive economic development attitude will, working together, right the wrongs.

In this state, as in every state, the laws which pass are a direct reflection of the concerns and demands of your constituents. For at least two decades now, Montanans have insisted upon laws which provide worker safety, assure collective bargaining, protect the environment, and tax according to ability to pay. Montanans of both parties have obviously believed that those basic assurances were not anti-business. Have Montanans now changed their minds?

Of course, you have no legislative magic wand with which to conjure up sudden prosperity for Montana's businesses. Good economic times are the result of a complex series of occurrences.

However, your past actions, in concert with other events have helped create some economic bright spots, some economic comebacks.

From Jardine to Nye, mining in Montana is finding its legs again. We're not back to the days of the Mountain Con, but the 40,000 tons of copper and molybdenum being mined in Butte, the talc from Three Forks, the gold in the Tunnels and the copper from Troy speak again of the Treasure State.

For half a year now timber prices have been slowly encouraging both increased harvests and profits.

As we all understand, or at least by now should understand, the simple grandeur of Montana is itself a significant economic benefit. Our mountains and valleys, our rivers and wildlife ring the cash registers of Montana's businesses many thousands of times each month.

Some wave that off as only "wolves and wilderness". Whatever it is, it resulted in at least 750 million dollars in direct spending last year.

Almost half a billion dollars was spent by non-residents. Those visitors who chose to be guided through Montana's wilderness areas spent more than 30 million dollars and helped create an additional 2,600 jobs in travel-related employment — and one thing certain, that's not welfare!

The continual public discussion, 8 years of it, about the Montana Wilderness Bill and whether or not the Montana Congressional Delegation will pass it has become our state's most boring topic. And the failure to present and pass a bill is the Delegation's glaring failure. I, of course, include myself in that failure.

We must settle the question of the appropriate uses of Montana's remaining roadless lands.

While I am home this week, I am drafting final language and determining boundaries, and I will soon be introducing my own legislation in the House

of Representatives. We must move quickly to resolve the uses of our wild places and to provide the certainty that Montana industry needs.

Our loggers must know where they can cut, our oil riggers where they can drill, and our miners where they can dig. And all of us, whether hikers, skiers, hunters or anglers, deserve to know which lands we can enjoy unimpeded. I must say frankly that anyone who does not understand the necessity for the Montana Delegation to get the wilderness question behind us does not understand its linkage to Montana's economic future.

I believe, as you do, that our state and this nation have better economic days ahead. Of course, reaching those brighter times will require thoughtful economic policies by the public sector and innovation and entrepreneurial activity by our business folks.

Yes, again today both Montana and the nation are in it together; struggling with our mutual deficits which hamper both appropriate action by government and robust activity by business.

As you know, our federal government has struggled almost non-stop these past five years with a deficit which often has appeared to be almost out of control. During these difficult years I have been a member of the House Budget Committee. Perhaps you will not think it entirely inappropriate for me to conclude my remarks to you this afternoon with observations about two mistakes which the Congress made in our initially unsuccessful efforts to even start the federal deficit toward reduction.

Five years ago the administration and the Congress slashed taxes. We did it without a proper understanding of the revenue landscape — that is, which groups share what portion of the tax burden and how would they use tax relief. We rearranged our tax codes and provided the largest tax cut in American history. Our tax cuts backfired into raging deficits.

You now, quite correctly, are closely examining Montana's revenues. You are carefully mapping the Montana tax landscape. You want to avoid making a legislative wrong turn and riding into a revenue box canyon. As a fellow Montanan, I, too have been considering the lay of the land and what I see surprises me.

Following your last legislative session, Montana's total per capita taxes on individuals were the 48th lowest in the nation. Only Wyoming and Alaska's were lower.

Our state's individual income tax — our largest source of state revenue — is below the national average and ranks 23rd in the nation.

Our residential property tax, widely considered to be far too high, is ranked 33rd in the nation. Our residential property taxes are 43 percent lower than the national average.

Montana's income tax on corporations is 20th out of the 45 states that levy such a tax and, at 6.7 percent, is lower than the average rate of 7.5 percent.

Nationwide in 1985, American families earning $7,000 paid an average of 7 percent of their income in state and local taxes. In Montana, the average was 3 percent. For families earning $17,000, the national average tax was about 7 percent. In Montana it was about 5 percent. For high income individuals, Montana is the place to be. For those earning $150,000 per year, Montana taxes them at a rate 27 percent less than they would pay in the average state.

Are Montana's taxes too low? We all want taxes as low as they can appropriately be. What is clear is that relative to other states our overall tax rates are not high. Are there certain segments of Montana businesses or individuals which are carrying too great a tax burden? Yes. Yes, one can find evidence of that — and I know that is just what you are seeking out.

If the Congress and the administration had preceded our 1981 tax changes with more thoroughness and if we had separated tax reality from myth, both the federal deficit and your deficit would be far more manageable than they are today.

Finally, let me share with you our second, belatedly recognized, mistake.

I know that you are examining education spending. The caution and careful thought you have applied to that effort deserves commendation.

I frankly wish the Congress had shown the same wisdom. Six years ago, we were told that deep cuts in education could be absorbed without lasting effect — that, in fact, the reductions were required to reduce the deficit.

The Congress listened and relented and made many of those cuts and like our tax cuts, they have backfired. It was a mistake that members of the House and Senate, Republicans and Democrats, now acknowledge.

We have all seen the importance of education. The recent economic miracles north of Boston and in California's Silicon Valley were possible because each made a decision to invest in higher education and the university research that creates the innovation so vital to entrepreneurs.

And we've seen the benefits here at home. Genetic advances from Montana's college labs have produced new wheat varieties that paid an estimated $33 million in dividends to growers in eastern Montana. That's the value of yield not lost to stem rust this past harvest season.

Back in the 1970's university research produced a new variety of seed potato that has improved the profits of Montana's seed potato industry by several million dollars.

Coal-drying technology which will allow us to market more Montana coal is coming from our colleges.

Research on a new and stronger floor joist that uses lodgepole pine and flakeboard promises increased markets for our wood products.

With justified pride, we note that such research and more is the work of Montana students and universities.

As the new Chairman of the Congressional Committee on Post-Secondary Education, I urge your continued caution and concern as you consider possible cuts in Montana's University System. And I assure you that the Congress has learned the hard lesson and we will cut the schools no more.

Well, here we are: 50 sessions of the Montana Legislature — 200 years of the United States Congress. Nation and state sharing triumph as well as trouble. We have had many of both — every day. But today we are, together, working our way through our fiscal troubles.

As others before us have said in equally challenging times, "We do not shirk from our responsibilities, we welcome them".

Thank you very much.

At the conclusion of his speech, Representative Pat Williams was escorted from the Senate Chambers by Senators Lynch and McCallum.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Boylan moved that SB 163 be moved below SB 198 on second reading. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Farrell, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Kolstad, Lybeck, Manning, McCallum, McLane, Smith, Story, Tveit, Weeding, Yellowtail, Mr. President.
Total 25

Noes: Abrams, Anderson, Crippen, Eck, Gage, Galt, Haffey, Himsl, Jacobson, Keating, Lynch, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams.
Total 23

Paired: Boylan, Aye; Neuman, No.

Excused: None.
Total 0

Absent or not voting: Hager, Severson.
Total 2

Senator Story moved that HB 335 be taken from engrossing and referred to the Committee on Judiciary. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hammond, Hirsch, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 28

Noes: Abrams, Anderson, Blaylock, Boylan, Brown, Gage, Haffey, Harding, Himsl, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 21

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Pinsoneault moved that the Senate temporarily suspend the temporary rules in order to allow introduction of LC 1424 (SB 372). Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: Bishop, McLane.
Total 2

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 351, introduced by Walker, Blaylock, D. Brown, Harper, Spaeth, Ream, McLane, Yellowtail, Eck. Referred to Committee on Public Health, Welfare, and Safety.

SB 354, introduced by Stimatz. Referred to Committee on State Administration.

SB 355, introduced by Walker, Pavlovich, Kolstad, Lynch, Menahan, Manning, Cohen, Stimatz, Haffey, Daily, D. Brown, Harrington. Referred to Committee on State Administration.

SB 356, introduced by Kolstad, B. Williams, Iverson, Strizich, Manning, Bradley, Grady. Referred to Committee on Local Government.

SB 357, introduced by Haffey, Farrell (By Request of the Senate State Administration Committee). Referred to Committee on State Administration.

SB 358, introduced by Neuman. Referred to Committee on Business and Industry.

SB 359, introduced by Haffey, Pavlovich, Jacobson, Driscoll, J. Brown, Keenan, Manning, Yellowtail, Menahan. Referred to Committee on Labor and Employment Relations.

SB 360, introduced by Bishop, Spaeth. Referred to Committee on Business and Industry.

The following House bills were introduced, read first time, and referred to committees:

HB 298, introduced by Rapp-Svrcek, Grady, Brandewie, Eudaily, Yellowtail, Jacobson, Ream, Moore, Cobb (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.

HB 364, introduced by Bradley, Jacobson, Cobb, Keating, Gage, Simon, Kennerly (By Request of the Legislative Audit Committee). Referred to Committee on Public Health, Welfare, and Safety.

HB 370, introduced by Asay, Gilbert, Poff, Abrams (By Request of the Department of State Lands). Referred to Committee on Natural Resources.

HB 424, introduced by Moore, Ream, Squires, Connelly, Brandewie, Stratford, Phillips, Roth, Keenan, O'Connell, Pistoria, Darko, Hansen, Fritz, Lory, Eudaily, Poulsen, Russell, Koehnke, Cohen. Referred to Committee on Fish and Game.

HB 426, introduced by Campbell, Beck (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 467, introduced by Ream (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Natural Resources.

HB 493, introduced by Nathe, Fritz. Referred to Committee on Highways and Transportation.

HB 505, introduced by Menahan (By Request of the Board of Medical Examiners). Referred to Committee on Business and Industry.

HB 574, introduced by Pavlovich, Daily, Fritz, Driscoll, Quilici, Menahan, Harrington, Harp, D. Brown, Grady, Cody, Manuel, Lynch,

Jacobson, McCormick, Nisbet, Walker, Stimatz, Haffey. Referred to Committee on Business and Industry.

HB 612, introduced by Roth, Glaser, Patterson, Kitselman, Hager, Spaeth, Bengtson, Iverson. Referred to Committee on Local Government.

HB 622, introduced by Brandewie (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 624, introduced by M. Williams. Referred to Committee on Local Government.

HB 626, introduced by Fritz. Referred to Committee on Business and Industry.

HB 640, introduced by Swift. Referred to Committee on Labor and Employment Relations.

HJR 11, introduced by Miller. Referred to Committee on State Administration.

HJR 24, introduced by Swift, Severson, Ream, Bishop, Jergeson, Boylan. Referred to Committee on Natural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Eck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 51 - Senator Brown moved that SB 51 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SB 174 - Senator Brown moved that SB 174 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Regan moved that SB 198 and SB 163 be moved below SB 257. Motion carried.

SB 249 - Senator Blaylock moved that SB 249 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Neuman present at this time.

SB 257 - Senator Thayer moved that SB 257 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hofman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 198 - Senator Thayer moved that SB 198, second reading copy, be amended as follows:

1. Page 17, line 8.
Strike: "37-1-371"
Insert: "32-1-371"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Thayer moved that SB 198, as amended, do pass. Motion failed as follows:

Ayes: Abrams, Anderson, Blaylock, Crippen, Eck, Galt, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Keating, Lynch, Manning, Mazurek, Meyer, Neuman, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Walker, Williams.
Total 25

Noes: Aklestad, Beck, Bengtson, Bishop, Boylan, Brown, Farrell, Gage, Hammond, Harding, Hofman, Jergeson, Kolstad, Lybeck, McCallum, McLane, Pinsoneault, Severson, Smith, Story, Tveit, Vaughn, Weeding, Yellowtail, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 163 - Senator Boylan moved that consideration on SB 163 be passed for the day. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Boylan, Brown, Farrell, Gage, Halligan, Harding, Himsl, Hirsch, Hofman, Jergeson, Kolstad, Lybeck, McLane, Pinsoneault, Severson, Smith, Stimatz, Story, Tveit, Weeding, Yellowtail, Mr. President.
Total 26

Noes: Anderson, Bishop, Blaylock, Crippen, Eck, Galt, Haffey, Hager, Hammond, Jacobson, Keating, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Rasmussen, Regan, Thayer, Van Valkenburg, Vaughn, Walker, Williams.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 41 - Senator McLane moved that HB 41 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 80 - Senator Mazurek moved that HB 80 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Regan, Vaughn, Walker.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Eck moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 150 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Hammond, Hirsch.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 154 failed to pass as follows:

Ayes: Aklestad, Beck, Bengtson, Blaylock, Crippen, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Tveit, Van Valkenburg.
Total 25

Noes: Abrams, Anderson, Bishop, Boylan, Brown, Eck, Farrell, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Neuman, Smith, Stimatz, Story, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 171 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 177 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Himsl, Hirsch, Lybeck.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 266 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 282 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 68 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 280 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 311 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 2/14/87

SB 187, introduced bill, be amended as follows:

1. Page 4.
Following: line 8
Insert: "(b) a combination of vehicles powered by a cab-over (tilt cab) type truck-tractor or a truck may not exceed overall length of 105 feet, inclusive of front and rear bumpers and overhang;

(c) a combination of vehicles powered by a conventional truck-tractor may not exceed overall length of 110 feet, inclusive of front and rear bumpers and overhang;"
Renumber: subsequent subsections

Committee adopted the following statement of intent:

Statement of Intent
SB 187

A statement of intent is required for this act because section 4 grants to the department of highways authority to make rules prescribing qualifications of drivers and for the equipping and operation of special vehicle combinations.

The legislature intends that the rules for operation of special vehicle combinations be consistent with those rules adopted by states and provinces allowing these vehicle combinations. Rules are to include provisions

for general operation, equipment, combination description, drivers, speed, stability, weight, load sequence, operational procedures, accidents, and insurance.

The legislature intends that the department of highways may restrict the operation of special vehicle combinations during times or periods when adverse conditions, weather, or other safety considerations make such operation unsafe or inadvisable.

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/13/87

SB 248, introduced bill, be amended as follows:

1. Page 2, line 5.
Following: "assessment,"
Strike: "anticipatory guidance,"

2. Page 3, line 1.
Following: "or"
Insert: "group"

3. Page 3, line 3.
Following: "examinations"
Strike: "on an annual basis"

4. Page 3, line 5.
Following: "or"
Insert: "group"

Committee adopted the following statement of intent:

Statement of Intent
SB 248

A statement of intent is required for this bill because section 6 authorizes the commissioner of insurance to promulgate reasonable rules necessary to enforce and administer the provisions of the bill. The legislature intends that the rules the commissioner adopts to implement this bill be designed principally to make coverage for periodic physical examinations available to each Montana insurance consumer at his option. The legislature further intends that the commissioner adopt the rules in accordance with 33-1-313 which grants the commissioner general rulemaking authority and permits the commissioner to:

(1) make only reasonable rules that do not extend, modify, or conflict with the laws of this state or with any reasonable implication of the laws; and

(2) make or amend the rules only after a hearing for which notice has been given as required by 33-1-703.

And, as amended, do pass. Report adopted.

MOTIONS

Senator Keating moved that the Senate reconsider its action in failing to pass SB 154 on third reading this day. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Thayer, Tveit, Van Valkenburg.
Total 26

Noes: Abrams, Brown, Eck, Farrell, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Meyer, Neuman, Regan,

Stimatz, Story, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Keating moved that SB 154 be placed on third reading this day. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Thayer, Tveit, Van Valkenburg, Mr. President.
Total 27

Noes: Abrams, Anderson, Brown, Farrell, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Meyer, Neuman, Regan, Stimatz, Story, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 22

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

Senator Lybeck moved that SB 296 be taken from the Committee on Highways and Transportation and rereferred to the Committee on Rules. Motion carried as follows:

Ayes: Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Abrams, Aklestad, Bengtson, Galt, Hager, Kolstad, Neuman, Severson, Smith, Tveit.
Total 10

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

At the request of Senator Mazurek, and without objection, Senator Mazurek's vote on HB 299, third reading on the 37th legislative day, be recorded as yes.

Senator Kolstad moved that SB 356 be taken from the Committee on Local Government and rereferred to the Committee on Judiciary. Motion carried.

Citing Senate Rule 5-1, Senator Van Valkenburg moved that the Senate reconsider Senator Keating's motion and place SB 154 on third reading on the 39th legislative day, 2/18/87. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 18, 1987.

Motion carried.

Senate adjourned at 6:55 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 18, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-eighth legislative day, find the same to be correct.

Galt, Chairman

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:08 p.m.

Senate reconvened at 3:38 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/18/87

Correctly printed and placed on the members' desks: SB 99, SB 152, SB 179, SB 187, SB 194, SB 199, SB 210, SB 212, SB 229, SB 235, SB 237, SB 248, SB 261, SB 263, SB 271, SB 275, SB 276, SB 289, SB 303, SB 306, SB 318, SB 348, SJR 11.

Considered correctly engrossed: SB 51, SB 174, SB 249, SB 257.

Signed by the President at 1:00 p.m., 2/18/87: HB 98, HB 136, HB 172, HB 177, HB 194, HB 218, HB 331.

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 2/16/87

SB 277, introduced bill, be amended as follows:

1. Page 7, line 6.
Following: "The"
Strike: "referendum" through "and the" on line 9

2. Page 7, line 10.
Strike: "those"
Insert: "the producers, producer-distributors, and distributors"

And, as amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/17/87

SB 294, do pass. Report adopted.

SB 295, introduced bill, be amended as follows:

1. Title, line 7.
Following: "INSURANCE;"
Strike: "AND"
Insert: "ALLOWING ISSUANCE OF A RESTRICTED LICENSE TO AN AGENT WHO SELLS ONLY ALL-RISK FEDERAL CROP INSURANCE;"
Following: "AMENDING"
Strike: "SECTION"

Insert: "SECTIONS 33-17-201 AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3.
Following: line 24
Insert: "Section 2. Section 33-17-201, MCA, is amended to read:

"33-17-201. (Temporary) License required of agents, managing general agents, and solicitors — forms. (1) No person shall in this state act as or hold himself out to be an agent or solicitor as to subjects of insurance located, resident, or to be performed in this state unless then licensed as such agent or solicitor under this chapter.

(2) No person may act or hold himself out in this state to be a managing general agent unless licensed as an insurance agent under this chapter and appointed by the insurers represented.

(3) No agent or solicitor shall solicit or take application for, procure, or place for others any kind of insurance as to which he is not then licensed.

(4) No agent shall place any business, other than coverage of his own risks, with any insurer as to which he does not then hold an appointment or license as agent under this chapter, except as provided in 33-17-1104 as to life or disability insurance agents and in 33-8-213.

(5) The commissioner shall prescribe and furnish forms required in connection with application for, issuance, continuation, or termination of licenses and appointments.

(6) Unless licensed as a life insurance agent as required by this section, no person shall in this state solicit life insurance or annuities or procure applications therefor or engage or hold himself out as engaging in the business of analyzing or abstracting life insurance policies or annuities or of counseling or advising or giving opinions, other than as a licensed attorney at law, relative to such insurance or annuities for fee, commission, or other compensation, other than as a salaried bona fide full-time employee so counseling and advising his employer relative to the insurance interests of the employer and of the subsidiaries or business affiliates of the employer or with respect to the insurance interests of employees of such employer, subsidiaries, or affiliates under group insurance or similar insurance plans arranged by the employer or employers of such employees.

(7) A person licensed to sell coverage only for the all-risk federal crop insurance program shall receive a license restricted to that purpose. (Terminates July 1, 1989—sec. 22, Ch. 11, Sp. L. March 1986.)

33-17-201. (Effective July 1, 1989) License required of agents, managing general agents, and solicitors — forms. (1) No person shall in this state act as or hold himself out to be an agent or solicitor as to subjects of insurance located, resident, or to be performed in this state unless then licensed as such agent or solicitor under this chapter.

(2) No person may act or hold himself out in this state to be a managing general agent unless licensed as an insurance agent under this chapter and appointed by the insurers represented.

(3) No agent or solicitor shall solicit or take application for, procure, or place for others any kind of insurance as to which he is not then licensed.

(4) No agent shall place any business, other than coverage of his own risks, with any insurer as to which he does not then hold an appointment or license as agent under this chapter, except as provided in 33-17-1104 as to life or disability insurance agents.

(5) The commissioner shall prescribe and furnish forms required in connection with application for, issuance, continuation, or termination of licenses and appointments.

(6) Unless licensed as a life insurance agent as required by this section, no person shall in this state solicit life insurance or annuities or procure applications therefor or engage or hold himself out as engaging in the business of analyzing or abstracting life insurance policies or annuities or of counseling or advising or giving opinions, other than as a licensed attorney at law, relative to such insurance or annuities for fee, commission, or other compensation, other than as a salaried bona fide full-time employee so counseling and advising his employer relative to the insurance interests of the employer and of the subsidiaries or business affiliates of the employer or with respect to the insurance interests of employees of such employer, subsidiaries, or affiliates under group insurance or similar insurance plans arranged by the employer or employers of such employees.

(7) A person licensed to sell coverage only for the all-risk federal crop insurance program shall receive a license restricted to that purpose.""

Renumber: subsequent section

4. Page 4.
Following: line 3
Insert: "NEW SECTION. Section 4. Effective date. This act is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 299, introduced bill, be amended as follows:

1. Page 7, line 12.
Following: "within"
Insert: "1"

And, as amended, do pass. Report adopted.

HB 332, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman) 2/17/87

SB 243, introduced bill, be amended as follows:

1. Title, line 4.
Following: "TO"
Insert: "ALLOW A COUNTY TO"

2. Title, line 5.
Following: "OPERATION OF"
Insert: "CERTAIN"

3. Title.
Following: line 5
Strike: "MONTANA"

Following: "WATERS"
Insert: "WITHIN THE COUNTY"

4. Page 2, lines 3 and 4.
Strike: "department" on line 3 through "law" on line 4
Insert: "county in which the boat is being operated if that county requires a temporary permit for out-of-state motorboats, as provided in [section 2]"

5. Page 2, line 18.
Following: "(1)"
Strike: "The"
Insert: "A"
Following: "permit"
Insert: "may be"

6. Page 2, line 19.
Following: "by"
Strike: "23-2-511(1)(c)"
Insert: "a county for operation of a motorboat on waters within the county if the motorboat is from a state that requires a similar temporary permit for operation in that state of a motorboat licensed in Montana. The permit"

7. Page 2, line 20.
Following: line 19
Strike: "department"
Insert: "county"

8. Page 2, lines 22 and 23.
Following: "days"
Strike: remainder of line 22 through "state" on line 23
Insert: "within the county"
Following: "The"
Strike: "department"
Insert: "county"

9. Page 3, line 7.
Strike: "$100"
Insert: "$50"

10. Page 3, line 8.
Following: "the"
Strike: "department"
Insert: "county"

11. Page 3, lines 9 and 10.
Following: "be"
Strike: remainder of line 9 through "department" on line 10
Insert: "used"

12. Page 3, line 11.
Following: line 10
Strike: "boating" through "state"
Insert: "compliance with the temporary permit"

13. Page 3, lines 13 through 20.
Strike: sections 3 and 4 in their entirety

And, as amended, do pass. Report adopted.

SB 320, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 2/17/87
SB 300, do pass. Report adopted.
HB 269, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 2/17/87
SB 103, introduced bill, be amended as follows:

1. Title, line 4.
Following: "AN ACT"
Strike: "CLARIFYING"
Insert: "REVISING"

2. Title, lines 5 and 6.
Following: "WAGES" on line 5
Strike: remainder of line 5 through "ACT"" on line 6
Insert: "WHEN AN EMPLOYER IS NOT A PARTY TO A COLLECTIVE BARGAINING AGREEMENT; ELIMINATING THE REQUIREMENT TO PAY FRINGE BENEFITS AS WAGES; REPEALING SECTION 18-2-405, MCA;"

3. Page 1, line 10.
Following: "wages"
Insert: "when the employer is not a party to a collective bargaining agreement"

4. Page 1, lines 12 and 13.
Following: "," on line 12
Strike: remainder of line 12 through "or" on line 13
Following: "or" on line 13
Insert: "an"
Following: "employer"
Insert: "who is not a signatory party to a collective bargaining agreement"

5. Page 1, lines 16 through 17.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

6. Page 1, line 20.
Following: "program"
Insert: ", provided that the contribution is paid irrevocably to a fund, plan, or program that has been approved by the United States department of labor, the internal revenue service, or the Montana commissioner of insurance"

7. Page 1, line 21.
Strike: "any"
Insert: "a"

8. Page 1, line 22.
Following: "(1)(a)"
Strike: "through (1)(c)"
Insert: "and (1)(b)"

9. Page 2.
Following: line 2
Insert: "(2) Payment of fringe benefits as provided for in subsection (1) must be on a line-by-line basis in which the amounts designated to a particular benefit may not be applied to other benefits."

10. Page 2, lines 3 through 5.
Strike: subsection (2) in its entirety

Insert: "Section 2. Repealer. Section 18-2-405, MCA, is repealed."
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 136, introduced bill, be amended as follows:

1. Title, line 5.
Following: "ARE"
Insert: "TEMPORARILY"

2. Page 2, line 14.
Following: "(6)"
Strike: "An"
Insert: "A state"
Following: "reduced"
Insert: "temporarily"

3. Page 2, line 17.
Following: "employee."
Insert: "A reduction in hours resulting from a budget deficit is temporary if it ends on or before the last day of the current fiscal year."

4. Page 3, line 13.
Following: "and"
Strike: "an"
Insert: "a state"
Following: "reduced"
Insert: "temporarily"

5. Page 6, line 5.
Strike: "An"
Insert: "A state"
Following: "reduced"
Insert: "temporarily"

6. Page 6, line 8.
Following: "employee."
Insert: "A reduction in hours resulting from a budget deficit is temporary if it ends on or before the last day of the current fiscal year."

7. Page 6, lines 17 through 22.
Following: "deficit." on line 17
Strike: remainder of lines 17 through 22 in their entirety
Insert: "If a state employee's hours have been reduced temporarily as a result of a budget deficit during 1 or more of the 3 consecutive years in which he would otherwise have received his highest average annual compensation, upon making application and meeting the requirements established by the board, his final compensation or salary for purposes of determining his retirement allowance under this chapter must be calculated as if he had been a full-time employee during the entire 3-year period. A reduction in hours resulting from a budget deficit is temporary if it ends on or before the last day of the current fiscal year."

8. Page 7, line 5.
Following: "Title 19,"
Strike: "chapter 3, part 5"
Insert: "chapters 3, 4, 6, and 8"

9. Page 7, line 6.
Strike: "chapter 3"
Insert: "chapters 3, 4, 6, and 8"

10. Page 7, line 9.
Following: "employees"
Strike: "as defined in 2-18-601"
Insert: "of state government agencies"

And, as amended, do pass. Report adopted.

SB 280, introduced bill, be amended as follows:

1. Title, line 7.
Following: ";"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING A TERMINATION DATE"

2. Page 2.
Following: line 22
Insert: "NEW SECTION. Section 3. Termination. This act terminates July 1, 1989."

And, as amended, do pass. Report adopted.

SB 313, do pass. Report adopted.
SB 314, introduced bill, be amended as follows:

1. Title, line 5.
Following: "OF"
Strike: "UNEMPLOYMENT"
Insert: "OVERTIME"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 2/17/87
SB 288, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/17/87
SB 131, do pass. Report adopted.
SB 326, do pass. Report adopted.

Adverse Committee Reports

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 2/16/87
SB 268, do not pass. Adverse Committee Report failed to be adopted as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Boylan, Brown, Farrell, Gage, Galt, Hager, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 24

Noes: Abrams, Anderson, Blaylock, Crippen, Eck, Halligan, Hammond, Harding, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Haffey.

Total 1

SB 278, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Himsl, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Walker, Williams.
Total 31

Noes: Blaylock, Eck, Haffey, Halligan, Harding, Hirsch, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 321, do not pass. Adverse Committee Report adopted as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 27

Noes: Abrams, Anderson, Blaylock, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 2/14/87

SB 106, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 40

Noes: Anderson, Brown, Crippen, Halligan, Jacobson, Jergeson, Pinsoneault, Stimatz, Vaughn, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 39, introduced by Donaldson.

HB 47, introduced by Harrington.

HB 56, introduced by Asay.

HB 438, introduced by Ream.

HB 442, introduced by Mercer.

HB 465, introduced by Cobb.

HB 506, introduced by Hansen.

HB 513, introduced by Daily.

HB 561, introduced by Simon.

HB 591, introduced by Schye.

HB 620, introduced by Giacometto.

HB 625, introduced by S. Hansen.

HJR 14, introduced by Donaldson.

MOTIONS

Senator Yellowtail moved that SB 268 be taken from the Committee on Agriculture, Livestock, and Irrigation, printed, and placed on second reading. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Brown, Crippen, Eck, Haffey, Halligan, Hammond, Harding, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Beck, Bishop, Boylan, Farrell, Gage, Galt, Hager, Himsl, Hirsch, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 361, introduced by Halligan (By Request of the Board of Crime Control). Referred to Committee on Judiciary.

SB 362, introduced by Jacobson, Peck (By Request of the Senate Finance and Claims Committee). Referred to Committee on Finance and Claims.

SB 363, introduced by Jacobson. Referred to Committee on Judiciary.

SB 364, introduced by Manning. Referred to Committee on Business and Industry.

SB 365, introduced by Mazurek. Referred to Committee on State Administration.

SB 366, introduced by Meyer, Tveit, Farrell, Hager, Hofman, Lybeck, B. Williams, Weeding, Galt (By Request of the Senate Committee on Highways and Transportation). Referred to Committee on Highways and Transportation.

SB 367, introduced by Harding (By Request of the Senate Committee on Local Government). Referred to Committee on Local Government.

SB 368, introduced by Story (By Request of the Senate Committee on Local Government). Referred to Committee on Local Government.

SB 369, introduced by Tveit, Farrell, Meyer, Stimatz, Hager, Hofman, Lybeck, B. Williams, Weeding, Abrams (By Request of the Senate Committee on Highways and Transportation). Referred to Committee on Highways and Transportation.

SB 370, introduced by Jacobson, Hammond, Jergeson (By Request of the Senate Finance and Claims Committee). Referred to Committee on Finance and Claims.

SB 371, introduced by Regan, Himsl. Referred to Committee on Public Health, Welfare, and Safety.

SB 372, introduced by Pinsoneault. Referred to Committee on Business and Industry.

SB 373, introduced by Blaylock, D. Brown, Marks, Eck, Regan, Iverson (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.

SB 374, introduced by Neuman, Kolstad (By Request of the Senate Business and Industry Committee). Referred to Committee on Business and Industry.

SB 375, introduced by Bishop (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.

SR 2, introduced by Haffey, Farrell. Referred to Committee on State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 154 failed to pass as follows:

Ayes: Aklestad, Beck, Bengtson, Blaylock, Boylan, Crippen, Gage, Galt, Hager, Harding, Himsl, Hofman, Keating, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Severson, Smith, Thayer, Tveit, Van Valkenburg.
Total 24

Noes: Abrams, Anderson, Bishop, Brown, Eck, Farrell, Haffey, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Meyer, Neuman, Stimatz, Story, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 162 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Eck, Farrell, Galt, Haffey, Hager, Harding, Hirsch, Hofman, Jergeson, Keating, Lybeck, Manning, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Vaughn, Weeding, Williams, Yellowtail.
Total 32

Noes: Aklestad, Beck, Bishop, Crippen, Gage, Halligan, Hammond, Himsl, Jacobson, Kolstad, Lynch, Meyer, Neuman, Story, Thayer, Van Valkenburg, Walker, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 232 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Blaylock, Regan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 247 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 250 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 254 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Himsl, Neuman.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 273 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 287 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 309 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 88 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 126 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 203 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 310 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 391 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 14 - Senator Neuman moved that SB 14 do pass. Motion failed as follows:

Ayes: Bengtson, Crippen, Eck, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Neuman, Rasmussen, Stimatz, Thayer, Van Valkenburg, Walker, Weeding.
Total 17

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Regan, Severson, Smith, Story, Tveit, Yellowtail.
Total 29

Excused: None.
Total 0

Absent or not voting: Manning, Vaughn, Williams, Mr. President.
Total 4

SB 74 - Senator Mazurek moved that SB 74 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Neuman, Smith.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 - Senator Hammond moved that SB 127 do pass. Senator Jacobson made a substitute motion that SB 127 do not pass. Substitute motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, McLane, Severson, Van Valkenburg, Vaughn, Yellowtail.
Total 23

Noes: Aklestad, Anderson, Beck, Bishop, Farrell, Gage, Galt, Hammond, Hofman, Jergeson, Keating, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Walker, Weeding, Williams, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Kolstad.
Total 1

Senator Hammond's motion passed as follows:

Ayes: Aklestad, Anderson, Beck, Farrell, Gage, Galt, Hammond, Hofman, Jergeson, Keating, Kolstad, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Walker, Weeding, Williams, Mr. President.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, McLane, Severson, Van Valkenburg, Vaughn, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 128 - Senator Gage moved that SB 128 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 178 - Senator Beck moved that SB 178 do not pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 38

Noes: Eck, Gage, Hirsch, Hofman, Jergeson, Lybeck, Regan, Story, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: Pinsoneault, Rasmussen, Williams.
Total 3

SB 198 - Senator Thayer moved that SB 198 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Crippen, Eck, Galt, Haffey, Hager, Himsl, Hirsch, Jacobson, Keating, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Walker, Williams.
Total 26

Noes: Aklestad, Beck, Bishop, Boylan, Brown, Farrell, Gage, Halligan, Hammond, Harding, Hofman, Jergeson, Kolstad, Lybeck, McLane, Pinsoneault, Severson, Smith, Story, Tveit, Vaughn, Weeding, Yellowtail, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 163 - Senator Boylan moved that SB 163 do pass. Motion failed as follows:

Ayes: Boylan, Brown, Harding, Hofman, Jergeson, Lybeck, McCallum, McLane, Severson, Smith, Story, Tveit, Weeding, Yellowtail.
Total 14

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Himsl, Hirsch, Jacobson, Keating, Kolstad, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Thayer, Van Valkenburg, Vaughn, Williams, Mr. President.
Total 34

Excused: None.
Total 0

Absent or not voting: Stimatz, Walker.
Total 2

Senator Mazurek moved that SB 163 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Himsl, Hirsch, Jacobson, Keating, Kolstad, Lynch, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Thayer, Tveit, Van Valkenburg, Vaughn, Williams, Mr. President.
Total 35

Noes: Boylan, Brown, Harding, Hofman, Jergeson, Lybeck, Manning, McLane, Severson, Smith, Story, Weeding, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: Stimatz, Walker.
Total 2

SB 213 - Senator Mazurek moved that SB 213 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 227 - Senator Haffey moved that SB 227 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 253 - Senator Himsl moved that SB 253 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 260 - Senator Harding moved that SB 260 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 8 - Senator Keating moved that SJR 8 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 9 - Senator Jergeson moved that SJR 9 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair.

SB 213 - Senator Mazurek moved that SB 213 be segregated from the Committee of the Whole Report. Motion carried.

Chairman Kolstad moved the adoption of the committee report, as amended. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/18/87
Signed by the President at 4:55 p.m., 2/18/87: HB 87, HB 114, HB 158, HB 224, HB 225, HB 244.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/17/87
SB 298, introduced bill, be amended as follows:

1. Page 1.
Following: line 2
Insert: "BY REQUEST OF THE GOVERNOR"

2. Title, line 9.
Following: "SECTIONS"
Insert: "2-18-103,"

3. Page 2, line 4.
Following: "of"
Strike: "its"
Insert: "the investment officer, assistant investment officer, executive director, and three"

4. Page 22.
Following: line 8
Insert: "Section 17. Section 2-18-103, MCA, is amended to read:

"2-18-103. Officers and employees excepted. Parts 1 and 2 do not apply to the following positions in state government:

(1) elected officials;

(2) county assessors and their chief deputy;

(3) officers and employees of the legislative branch;

(4) judges and employees of the judicial branch;

(5) members of boards and commissions appointed by the governor, appointed by the legislature, or appointed by other elected state officials;

(6) officers or members of the militia;

(7) agency heads appointed by the governor;

(8) academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education;

(9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;

(10) teachers under the authority of the department of institutions;

(11) investment officer ~~and~~, assistant investment officer, executive director, and three professional staff positions of the board of investments; and

(12) four professional staff positions under the board of oil and gas conservation.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 254, third reading copy, be amended as follows:

1. Page 2, lines 4 and 5.
Strike: "33-23-211 through 33-23-214, 33-23-301, 33-23-302, and 33-22-401"
Insert: "chapter 23 of this title"

2. Page 5, lines 8 and 9.
Strike: "date of delivery or mailing"
Insert: "notice is delivered or mailed to the insured"

3. Page 7, line 6.
Strike: "it"
Insert: "the notice"

4. Page 7, line 7.
Strike: "insured"
Insert: "insurer"
Strike: "or terminate"
Following: "coverage"
Insert: "for a period of"

5. Page 8, line 1.
Following: "information"
Insert: "to the insured"

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 2/18/87

SB 34, introduced bill, be amended as follows:

1. Title, line 5.
Following: "LAW"
Insert: "CERTAIN"

2. Title, line 6.
Following: "CORPORATIONS AND"
Insert: "CERTAIN"

3. Title, line 7.
Following: ";"
Strike: "AND"

4. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

5. Page 1, line 14.
Following: "~~corporation~~"
Insert: "or by an officer of a corporation owning less than 10% of the voting stock"

6. Page 9, lines 17 through 20.
Following: line 16
Strike: subsection (m) in its entirety
Insert: "(m) service performed for a corporation by a salaried officer or director who owns 10% or more of the voting stock of the corporation;

(n) service performed as a salaried owner or officer of a partnership, association, or sole proprietorship if the individual performing such service owns at least a 10% interest in the assets of the firm or business."

7. Page 11.
Following: line 4
Insert: "NEW SECTION. Section 4. Effective date. This act is effective January 1, 1988."

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/18/87
SB 246, do pass. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 2/18/87
SB 262, do pass. Report adopted.

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Kolstad, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Kolstad moved that SB 210 be taken from second reading and rereferred to the Committee on Business and Industry. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 2:30 p.m., February 19, 1987.

Motion carried.

Senate adjourned at 6:35 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FORTIETH LEGISLATIVE DAY

Helena, Montana
February 19, 1987

Senate Chambers
State Capitol

Senate convened at 2:37 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-ninth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/19/87

Correctly printed and placed on the members' desks: SB 34, SB 103, SB 131, SB 136, SB 243, SB 246, SB 262, SB 268, SB 277, SB 280, SB 288, SB 294, SB 295, SB 298, SB 299, SB 300, SB 313, SB 314, SB 320, SB 326.

Considered correctly engrossed: SB 14, SB 74, SB 127, SB 128, SB 198, SB 227, SB 253, SB 260, SJR 8, SJR 9.

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 2/18/87

SJR 12, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 2/18/87

SB 302, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ACT"
Strike: "REQUIRING THE APPROVAL"
Insert: "PROVIDING FOR THE PAYMENT"

2. Title, lines 6 and 7.
Strike: "THE JURISDICTION OF HIS RESIDENCE BUT WITHIN"

3. Title, line 7.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "20-5-311"
Insert: "AND 20-9-313"

4. Page 3, lines 4 and 5.
Following: "residence"
Strike: "<u>but within the state of Montana</u>"

5. Page 3, line 6.
Following: "jurisdiction."
Insert: "If a child, other than a special education child, is placed by court order outside the state, the school district sending the child may receive foundation program funding for the child as if he were attending high school in the district. If the tuition for the child is greater than the foundation program funding for the child, the

excess must be paid in the manner provided in 20-5-312 for a pupil attending high school outside the county of residence."

6. Page 4.
Following: line 9
Insert: "Section 2. Section 20-9-313, MCA, is amended to read:

"20-9-313. Circumstances under which the regular average number belonging may be increased. The average number belonging of a school for a given school fiscal year, calculated in accordance with the ANB formula prescribed in 20-9-311, may be increased when:

(1) the opening of a new elementary school or the reopening of an elementary school has been approved in accordance with 20-6-502. The average number belonging for such school shall be established by the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction.

(2) the opening or reopening of a high school or a branch of the county high school has been approved in accordance with 20-6-503, 20-6-504, or 20-6-505. The average number belonging for such high school shall be established by the county superintendent's estimate, after an investigation of the probable number of pupils that will attend such high school.

(3) a district anticipates an increase in the average number belonging due to the closing of any private or public school in the district or a neighboring district. The estimated increase in average number belonging shall be established by the trustees and the county superintendent and approved, disapproved, or adjusted by the superintendent of public instruction no later than the fourth Monday in June.

(4) a district anticipates an unusual enrollment increase in the ensuing school fiscal year. The increase in average number belonging shall be based on estimates of increased enrollment approved by the superintendent of public instruction and shall be computed in the manner prescribed by 20-9-314.

(5) for the initial year of operation of a program established under 20-7-117(1), the ANB to be used for budget purposes is the same as one-half the number of 5-year-old children residing in the district as of September 10 of the preceding school year, either as shown on the official school census or as determined by some other procedure approved by the superintendent of public instruction;

(6) a special full-time pupil, as defined in 20-9-311, in a given school year will no longer be considered a special full-time pupil in the ensuing school year (the superintendent of public instruction may grant one ANB for such pupil for the ensuing school year); ~~or~~

(7) a high school district provides early graduation for any student who completes graduation requirements in less than eight semesters or the equivalent amount of secondary school enrollment or when a high school district provides early graduation for a class of students who have completed the requirements for graduation after 175 pupil-instruction days in the 12th grade. The increase shall be established by the trustees as though the student had attended to the end of the school year and shall be approved, disapproved, or adjusted by the superintendent of public instruction.

(8) a high school district is responsible for the tuition of a student who has been sent by court order outside the state pursuant to

20-5-311(2)(b). Upon approval of the superintendent of public instruction, the student may be considered one ANB.""
Renumber: subsequent section

And, as amended, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/18/87

SB 188, introduced bill, be amended as follows:

1. Title, line 9.
Following: "COURT"
Strike: "OR CRIMINAL JUSTICE AGENCY"

2. Page 1, lines 22 through 24.
Following: "record" on line 22
Strike: remainder of line 22 through "44-5-103," on line 24

And, as amended, do pass. Report adopted.

SB 226, introduced bill, be amended as follows:

1. Title, line 11.
Following: "AUTHORITY;"
Strike: "AND"

2. Title, line 13.
Following: "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"

3. Page 2, line 12.
Following: "41-5-306"
Strike: ","
Insert: "["

4. Page 2, line 13.
Following: "adults"
Insert: "]"

5. Page 7, line 24.
Following: "~~institutions.~~"
Insert: "Nothing in this definition is intended to include juvenile correctional facilities, evaluation facilities, mental health facilities and services, and aftercare programs operated by the department of institutions."

6. Page 19.
Following: line 24
Insert: "NEW SECTION. Section 16. Effective dates. (1) Except as provided in subsection (2), sections 1 through 13 are effective October 1, 1987.

(2) The bracketed language in subsection (5) of section 1 is effective July 1, 1989."

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/18/87

SB 305, introduced bill, be amended as follows:

1. Title, line 5.
Following: "QUALIFIED"
Strike: "DENTIST"
Insert: "ORAL SURGEON"

2. Page 1, line 11.

Following: "(1)"
Insert: "For purposes of this section, "oral surgeon" means a dentist who has successfully completed a postgraduate program in oral surgery accredited by a nationally recognized accreditation body approved by the United States office of education.

(2)"
Following: "qualified"
Strike: "dentist"
Insert: "oral surgeon"
Renumber: subsequent subsection

3. Page 1, line 13.
Strike: "having only dental problems"
Following: "hospital"
Insert: "for oral or maxillofacial surgery"

4. Page 1, line 14.
Following: "perform a"
Strike: "complete"

5. Page 1, line 18.
Following: "that"
Strike: "such privileges"
Insert: "any specific privilege, including taking a history or performing a physical examination,"

6. Page 1, line 19.
Following: "any"
Strike: "dentist"
Insert: "oral surgeon"

7. Page 1.
Following: line 19
Insert: "Section 2. Extension of authority. Any existing authority of the department of health and environmental sciences and the board of dentistry to make rules on the subject of the provisions of this act is extended to the provisions of this act."
Renumber: subsequent section

Committee adopted the following statement of intent:

Statement of Intent
SB 305

This bill may require the department of health and environmental sciences to amend Rule 16.32.320, Administrative Rules of Montana, or to modify its interpretation of that rule, which incorporates by reference federal regulations governing hospital staffing (42 CFR 405 subpart J). If the federal regulations do not prohibit a hospital from authorizing an oral surgeon to take patient histories and perform physical examinations, no action by the department is contemplated. Because the federal regulations are ambiguous, the department may make appropriate changes in its rules if necessary to administer this act.

Should other dental specialties emerge, with in-hospital training equivalent to that of oral surgeons, the board of dentistry may recognize these specialists as qualified to take patient histories and perform physical examinations.

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/17/87

SR 2, do pass. Report adopted.

Adverse Committee Reports

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 2/18/87

SB 345, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 43

Noes: Lybeck, Manning, Pinsoneault, Weeding, Yellowtail.
Total 5

Excused: None.
Total 0

Absent or not voting: Galt, Hammond.
Total 2

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/18/87

SB 324, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Pinsoneault.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 2/16/87

SB 301, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 46

Noes: Gage, Keating.
Total 2

Excused: None.
Total 0

Absent or not voting: Hager, Weeding.
Total 2

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/16/87
SB 290 - Committee adopted the following statement of intent:

Statement of Intent
SB 290

The legislature determines that it is the policy of this state to permit and encourage, for the benefit of the citizens of this state, the availability of factual information regarding prescription drug prices charged by licensed pharmacists and pharmacies.

Therefore, it is the intent of the legislature in enacting this bill to make prescription drug prices available to the public by requiring the display of price information in every pharmacy that serves the general public. Such information should be made available in a manner that will not encourage unfair or deceptive competitive practices but will assist the public in making informed purchasing decisions.

Do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Walker, Williams, Yellowtail, Mr. President.
Total 42

Noes: Eck, Lynch, Regan, Van Valkenburg, Vaughn, Weeding.
Total 6

Excused: None.
Total 0

Absent or not voting: Blaylock, Hager.
Total 2

STATE ADMINISTRATION (Haffey, Chairman) 2/17/87
SB 317, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Galt.
Total 1

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 118, introduced by Nathe.

HB 232, introduced by Thomas.

HB 241, introduced by Spaeth.

HB 256, introduced by Pistoria.

HB 343, introduced by Donaldson.

HB 450, introduced by Pistoria.

HB 519, introduced by O'Connell.

HB 531, introduced by Ellison.

HB 579, introduced by Cobb.

HB 585, introduced by Bradley.

HB 629, introduced by Ream.

HB 639, introduced by Corne'.

HB 646, introduced by Stang.

HB 648, introduced by Holliday.

HB 651, introduced by Jenkins.

HB 669, introduced by Harp.

HJR 18, introduced by Connelly.

MOTIONS

Senator Williams moved that SB 39 be taken from the Committee on Education and Cultural Resources, printed, and placed on second reading. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Boylan, Farrell, Gage, Galt, Hager, Halligan, Hammond, Himsl, Hofman, Jergeson, Keating, Kolstad, Lybeck, McCallum, McLane, Neuman, Pinsoneault, Severson, Smith, Story, Tveit, Weeding, Williams, Mr. President.
Total 27

Noes: Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Harding, Hirsch, Jacobson, Lynch, Manning, Mazurek, Meyer, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Meyer moved that SB 248 be taken from second reading and rereferred to the Committee on Public Health, Welfare, and Safety. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.
Total 36

Noes: Eck, Haffey, Halligan, Jacobson, Lybeck, Lynch, Regan, Stimatz, Vaughn, Walker, Yellowtail.
Total 11

Excused: None.
Total 0

Absent or not voting: Blaylock, Brown, Smith.
Total 3

Senator Jergeson moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 321, print, and place on second reading. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Brown, Crippen, Eck, Haffey, Halligan, Hammond, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Beck, Bishop, Boylan, Farrell, Gage, Galt, Hager, Harding, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Severson, Story, Thayer, Tveit.
Total 20

Excused: None.
Total 0

Absent or not voting: Himsl.
Total 1

Senator Gage moved that SB 71, with amendments, be taken from the table in Committee on Taxation, printed, and placed on second reading. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Eck.
Total 1

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 376, introduced by Jergeson, Beck. Referred to Committee on State Administration.

SB 377, introduced by McCallum, Halligan (By Request of the Senate Taxation Committee). Referred to Committee on Taxation.

SB 378, introduced by E. Smith, Devlin, Severson, Harding, Kolstad, Tveit, Hirsch, Hofman, McLane, Farrell, Nathe, Hammond,

Pinsoneault, Grady, Gage, Grinde, Boylan, Rehberg, Lynch, Gilbert, Jenkins, Driscoll, Hager, Vaughn, Campbell, Menke, Thayer, Anderson, Swysgood, Glaser, Aklestad, Brandewie, Beck, Meyer, Crippen, Ellison, Giacometto, Jergeson, Patterson, McCallum. Referred to Committee on Taxation.

SB 379, introduced by Yellowtail. Referred to Committee on Judiciary.

SB 380, introduced by Pinsoneault, B. Brown (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.

SB 381, introduced by Severson, Himsl, Bishop, B. Brown, Crippen, Hofman, Anderson, Gage, Harding, Keating, Galt, Farrell, Hager, Beck, Hirsch, Rasmussen, Story. Referred to Committee on Taxation.

SB 382, introduced by Jergeson. Referred to Committee on Agriculture, Livestock, and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 39, introduced by Donaldson (By Request of the Joint Interim Subcommittee on Vo-Techs/Job Training). Referred to Committee on Education and Cultural Resources.

HB 47, introduced by Harrington (By Request of the Department of Revenue). Referred to Committee on Taxation.

HB 56, introduced by Asay. Referred to Committee on Taxation.

HB 118, introduced by Nathe. Referred to Committee on Education and Cultural Resources.

HB 232, introduced by Thomas (By Request of the Secretary of State). Referred to Committee on Business and Industry.

HB 241, introduced by Spaeth, Thayer, Holliday, Poulsen, Cobb, Boylan, Rasmussen, Harp, Donaldson, Thomas, Mercer, Mazurek, Manuel. Referred to Committee on Judiciary.

HB 256, introduced by Pistoria, Peck, O'Connell, Koehnke, McCormick, Miller, Bachini, Pavlovich, J. Brown, Devlin, Harp, Brandewie, Winslow, Swift, Mercer, Switzer. Referred to Committee on Judiciary.

HB 343, introduced by Donaldson (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.

HB 438, introduced by Ream, Farrell. Referred to Committee on Highways and Transportation.

HB 442, introduced by Mercer, Manuel. Referred to Committee on Judiciary.

HB 450, introduced by Pistoria, Meyer, McCormick, Manning, Manuel, Koehnke. Referred to Committee on State Administration.

HB 465, introduced by Cobb. Referred to Committee on Fish and Game.

HB 506, introduced by Hansen, Cohen, Spaeth, Keenan, Hannah, Walker, Harper. Referred to Committee on Highways and Transportation.

HB 513, introduced by Daily, Pavlovich, Quilici, Harrington, Lynch, Jacobson, D. Brown, Stimatz. Referred to Committee on Taxation.

HB 519, introduced by O'Connell, Quilici, Thomas, Pistoria, Poulsen, Swysgood, Wallin, Meyers, Peterson, Rehberg, Roth, Phillips, Patterson, Hager, Manuel, E. Smith, Tveit, Koehnke, McCormick, Bachini, Pavlovich, Stratford, Gilbert, Gould, Kitselman, Nathe, Hoffman, Jones, C. Smith, Hannah, Devlin, Swift, Giacometto, Iverson, Miller, Hofman, Hayne, Winslow, Campbell, Sales, Menke, Ellison, Marks, Farrell, Compton, Meyer, Galt, McLane, Donaldson, Keller, Severson, Bishop, Thayer, Hammond. Referred to Committee on Business and Industry.

HB 531, introduced by Ellison. Referred to Committee on Local Government.

HB 561, introduced by Simon, Hannah, Harper, Nathe, Regan, Keating. Referred to Committee on Local Government.

HB 579, introduced by Cobb, Pistoria, O'Connell, Manuel, Meyers. Referred to Committee on Local Government.

HB 585, introduced by Bradley, Vaughn, E. Smith, Kolstad. Referred to Committee on Business and Industry.

HB 591, introduced by Schye, Severson, Manuel, Iverson, Bengtson. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 620, introduced by Giacometto. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 625, introduced by Hansen, Squires, Harper, Moore, Corne', Connelly. Referred to Committee on Local Government.

HB 629, introduced by Ream, Grady (By Request of the Department of State Lands). Referred to Committee on Natural Resources.

HB 639, introduced by Corne', Bradley. Referred to Committee on Local Government.

HB 646, introduced by Stang, McCallum. Referred to Committee on Local Government.

HB 648, introduced by Holliday, Pavlovich, Daily, Manuel, Stratford, Swysgood, Ellison, Meyers, Quilici, Iverson, Patterson, Hanson, Switzer, Jones, Devlin, Jenkins, Giacometto, Keller, C. Smith. Referred to Committee on Business and Industry.

HB 651, introduced by Jenkins, E. Smith, Nathe, Hoffman, Kolstad, Walker, Roth, Asay, Swift, Iverson, Devlin, Bachini, Ellison, Patterson, Switzer, Hanson, Poff, Stratford, Grinde, Gilbert, Glaser, Sales, Driscoll, D. Brown, Compton, Menke, Keller, Abrams, Swysgood, Whalen, Spaeth, Holliday, O'Connell, Vincent, Hannah, Van Valkenburg, Thayer, Halligan, McCallum, Boylan, Rapp-Svrcek, Bulger, Farrell, Hansen, Marks, Quilici, Anderson, Manning, Severson, Hofman, Blaylock, Hirsch, Bardanouve, Aklestad, Bishop, Schye, Corne', Koehnke, DeMars, Stimatz, Harper, Weeding, Tveit, Manuel, Hammond. Referred to Committee on Natural Resources.

HB 669, introduced by Harp, Neuman, Compton, Patterson, Schye, Hanson, Winslow, Jenkins, Rapp-Svrcek, Darko, Meyers, Grady, Bardanouve, M. Williams, Bulger, Cody, Poulsen. Referred to Committee on Agriculture, Livestock, and Irrigation.

HJR 14, introduced by Donaldson, Gilbert, Schye, Hofman, Hammond, Weeding, Hoffman, Meyers, Severson. Referred to Committee on Agriculture, Livestock, and Irrigation.

HJR 18, introduced by Connelly, B. Brown, Lybeck, C. Smith, Cohen, Brandewie, Harp, Harding, Nelson, Jones. Referred to Committee on Education and Cultural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 51 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hirsch.
Total 1

SB 174 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hirsch.
Total 1

SB 249 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Haffey, Lynch, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 257 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Hofman, Keating, Story.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 41 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 80 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.
Total 43

Noes: Lybeck, Manning, Pinsoneault, Regan, Vaughn, Walker, Yellowtail.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 99 - Senator Galt moved that SB 99 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch in the Chair.

SB 152 - Senator Walker moved that SB 152 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Walker in the Chair.

SB 179 - Senator Beck moved that SB 179 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Pinsoneault excused at this time.

SB 187 - Senator Farrell moved that SB 187 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 47

Noes: Regan, Mr. President.
Total 2

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 194 - Senator Hager moved that SB 194 do pass. Motion failed as follows:

Ayes: Abrams, Aklestad, Bengtson, Bishop, Boylan, Crippen, Eck, Farrell, Galt, Hager, Himsl, Hirsch, Keating, McCallum, McLane, Neuman, Regan, Severson, Tveit.
Total 19

Noes: Anderson, Beck, Blaylock, Brown, Gage, Haffey, Halligan, Hammond, Harding, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Rasmussen, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 29

Excused: Pinsoneault.
Total 1

Absent or not voting: Williams.
Total 1

Senator Lynch moved that SB 194 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 33

Noes: Bishop, Boylan, Galt, Hager, Himsl, Hirsch, Hofman, Keating, McCallum, McLane, Neuman, Regan, Severson, Tveit.
Total 14

Excused: Pinsoneault.
Total 1

Absent or not voting: Rasmussen, Williams.
Total 2

SB 199 - Senator Brown moved that SB 199 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 212 - Senator Farrell moved that SB 212 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 213 - Senator Mazurek moved that SB 213, second reading copy, be amended as follows:

1. Page 10, line 18.
Following: "salespersons."
Insert: "(1)"

2. Page 10, line 22.
Following: "obtained"
Insert: ": (a)"

3. Page 10, line 25.
Strike: "."
Insert: "; and

(b) upon successful completion of a course of education related to the timeshare industry that has been approved by the board. The board shall then issue a certificate of completion to the applicant.

(2) A person licensed under Title 37, chapter 51, may become licensed as a timeshare salesperson or timeshare broker upon successful completion of a course of education related to the timeshare industry that has been approved by the board. The board shall then issue a certificate of completion to the applicant."

4. Page 23, line 24.
Following: "examination"
Insert: "or continuing education requirement"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

Senator Mazurek moved that SB 213, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

Senator Neuman excused at this time.

SB 229 - Senator Mazurek moved that SB 229 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Neuman, Pinsoneault.
Total 2

Absent or not voting: None.
Total 0

Senator Neuman present at this time.

SB 235 - Senator Brown moved that SB 235 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Blaylock, Van Valkenburg.
Total 2

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 237 - Senator Boylan moved that SB 237 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 261 - Senator Brown moved that SB 261, second reading copy, be amended as follows:

1. Page 3, lines 4 and 5.
Following: "convicted" on line 4
Strike: remainder of line 4 through "offense" on line 5
Insert: "of the sale of a dangerous drug included in Schedule I or Schedule II pursuant to 50-32-222 or 50-32-224 and if previously convicted of such a sale,"

2. Page 3, lines 9 and 10.
Following: "convicted" on line 9
Strike: remainder of line 9 through "offense" on line 10
Insert: "of the sale of a dangerous drug included in Schedule I or Schedule II pursuant to 50-32-222 or 50-32-224 and if previously convicted of two or more such sales,"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

Senator Brown moved that SB 261, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Blaylock.
Total 1

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 263 - Senator Williams moved that SB 263 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 271 - Senator Hirsch moved that SB 271 do pass. Motion failed as follows:

Ayes: Beck, Boylan, Hirsch, Lybeck, Manning, Stimatz, Thayer, Williams, Yellowtail.
Total 9

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding,

Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Story, Tveit, Vaughn, Walker.
Total 35

Excused: Pinsoneault.
Total 1

Absent or not voting: Haffey, Smith, Van Valkenburg, Weeding, Mr. President.
Total 5

Senator Farrell moved that SB 271 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Boylan, Story.
Total 2

Excused: Pinsoneault.
Total 1

Absent or not voting: Haffey, McCallum, Smith, Van Valkenburg.
Total 4

SB 275 - Senator Jergeson moved that SB 275 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 276 - Senator Van Valkenburg moved that consideration on SB 276 be passed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 289 - Senator Van Valkenburg moved that SB 289 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 303 - Senator Halligan moved that SB 303 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 306 - Senator Mazurek moved that SB 306 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SB 318 - Senator Jacobson moved that SB 318 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Eck, Galt, Haffey, Hager, Halligan, Hirsch, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McCallum, Meyer, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 32

Noes: Aklestad, Bishop, Crippen, Farrell, Gage, Hammond, Harding, Himsl, Hofman, Keating, Lybeck, McLane, Neuman, Rasmussen.
Total 14

Excused: Pinsoneault.
Total 1

Absent or not voting: Thayer, Williams, Mr. President.
Total 3

SB 348 - Senator Story moved that SB 348 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

SJR 11 - Senator Beck moved that SJR 11 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

HJR 5 - Senator Beck moved that HJR 5 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Pinsoneault.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Walker moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Neuman, Vice-Chairman) 2/19/87
SB 358, do pass. Report adopted.

FISH AND GAME (Smith, Chairman) 2/19/87
SB 219, do pass. Report adopted.
SB 352, do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/19/87
SB 77, introduced bill, be amended as follows:

1. Title, line 5.
Following: "DEATH"
Insert: "BY DIRECT ACTION OF THE DEFENDANT"

2. Page 2, line 7.
Following: "or"
Insert: "the death by direct action of the defendant"

And, as amended, do pass. Report adopted.

SB 139, introduced bill, be amended as follows:

1. Page 3, line 17.
Following: "from"
Strike: "participating"
Insert: "the risks inherent"

2. Page 3, line 18.

Following: "snowmobiling"
Strike: "by virtue of his participation"

3. Page 4.
Following: line 8
Insert: "(3) The provisions of this section do not affect a products liability cause of action based upon the design or manufacture of snowmobile equipment or products or safety equipment used incidental to the operation of a snowmobile."

And, as amended, do pass. Report adopted.

SB 252, introduced bill, be amended as follows: 2/18/87

1. Page 1, line 14.
Following: "entitled to"
Strike: "full"
Following: "subrogation"
Insert: ", as provided for in [section 3],"

2. Page 1, line 23.
Following: "to"
Strike: "full"
Following: "subrogation"
Insert: ", as provided for in [section 4],"

3. Page 2.
Following: line 1
Insert: "Section 3. Notice — shared costs of third-party action — limitation. (1) If an insured intends to institute an action for damages against a third party, the insured shall give the insurer reasonable notice of his intention to institute the action.

(2) The insured may request that the insurer pay a proportionate share of the reasonable costs of the third-party action, including attorney fees.

(3) An insurer may elect not to participate in the cost of the action. If such an election is made, the insurer waives 50% of any subrogation rights granted to it by [section 1].

(4) The insurer's right of subrogation granted in [section 1] may not be enforced until the injured insured has been fully compensated for his injuries.

Section 4. Notice — shared costs of third-party action — limitation. (1) If an insured intends to institute an action for damages against a third party, the insured shall give the health service corporation reasonable notice of his intention to institute the action.

(2) The insured may request that the health service corporation pay a proportionate share of the reasonable costs of the third-party action, including attorney fees.

(3) A health service corporation may elect not to participate in the cost of the action. If such an election is made, the health service corporation waives 50% of any subrogation rights granted to it by [section 2].

(4) The health service corporation's right of subrogation granted in [section 2] may not be enforced until the injured insured has been fully compensated for his injuries."
Renumber: subsequent sections

4. Page 2, line 2.
Following: "(1)"
Strike: "Section 1 is"
Insert: "Sections 1 and 3 are"

5. Page 2, line 4.
Following: "chapter 22," in two places
Insert: "and Title 2, chapter 18,"

6. Page 2, line 5.
Following: "to"
Strike: "section 1"
Insert: "sections 1 and 3"

7. Page 2, line 6.
Following: "(2)"
Strike: "Section 2 is"
Insert: "Sections 2 and 4 are"

8. Page 2, line 8.
Following: "to"
Strike: "section 2"
Insert: "sections 2 and 4"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 2/19/87
SB 319, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/19/87
SB 279, introduced bill, be amended as follows:

1. Page 2, line 17.
Following: "software,"
Strike: "service supplies"
Insert: "special forms"

2. Page 2, line 18.
Following: "training,"
Insert: "electronically stored data,"

3. Page 4, line 12.
Following: "and"
Strike: "annually update"
Insert: "maintain"

4. Page 4, line 22 through line 2, page 5.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

5. Page 5, line 4.
Following: "recover from"
Strike: "the identified risks"
Insert: "identified threats"

6. Page 5, line 6.
Strike: "that annual"

7. Page 5, line 16.
Following: "resources;"
Insert: "and"

8. Page 5, line 20.
Following: "resources"

Strike: "; and"
Insert: "."

9. Page 5, line 21 through line 3, page 6.
Strike: subsection (8) in its entirety

10. Page 6, line 10.
Following: "standards"
Strike: ", rules, and regulations"
Insert: "and policies"

11. Page 6, line 17.
Following: "establish"
Strike: "rules and regulations"
Insert: "standards and policies"

And, as amended, do pass. Report adopted.

SB 354, do pass. Report adopted.
SB 355, do pass. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 383, introduced by Gage, Kolstad, McCallum, Giacometto, Iverson, Gilbert, Hirsch. Referred to Committee on Taxation.
SB 384, introduced by McCallum. Referred to Committee on Taxation.
SB 385, introduced by Weeding (By Request of Senate Business and Industry Committee). Referred to Committee on Business and Industry.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., February 20, 1987.

Motion carried.

Senate adjourned at 5:55 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FORTY-FIRST LEGISLATIVE DAY

Helena, Montana
February 20, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fortieth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/20/87

Correctly engrossed:

SB 213	SB 261

Considered correctly engrossed:

SB 99	SB 152	SB 179	SB 187
SB 199	SB 212	SB 229	SB 235
SB 237	SB 263	SB 275	SB 289
SB 303	SB 306	SB 318	SB 348
SJR 11			

Signed by the President at 10:06 a.m., 2/20/87:

HB 99	HB 159	HB 251	HB 265
HB 280	HB 299	HB 311	HB 312
HB 360			

Report adopted.

BUSINESS AND INDUSTRY (Neuman, Vice-Chairman) 2/19/87

SB 210, second reading copy, be amended as follows:

1. Title, line 9.
Following: "SECTIONS"
Insert: "33-1-104, 33-1-313, 33-1-317,"
Following: "33-30-101,"
Insert: "33-30-111 THROUGH 33-30-113,"

2. Page 7.
Following: line 3
Insert: "Section 6. Section 33-1-104, MCA, is amended to read:

"33-1-104. General penalty. Each violation of any provision of this code~~, except 33-30-1012~~, with respect to which violation a greater penalty is not provided by other applicable laws of this state shall, in addition to any administrative penalty otherwise applicable thereto, upon conviction in a court of competent jurisdiction of this state be punishable by a fine of not less than $50 or more than $1,000 or by imprisonment in the county jail for not less than 30 days or more than 90 days or by both such fine and imprisonment."

Section 7. Section 33-1-313, MCA, is amended to read:

"33-1-313. Rules — notice, hearing, and penalty. (1) The commissioner may make reasonable rules necessary for or as an aid to effectuation of any provision of this code~~, except 33-30-1012~~. No such rule shall extend, modify, or conflict with any law of this state or the

reasonable implications thereof. Any such rule affecting persons or matters other than the personnel or the internal affairs of the commissioner's office shall be made or amended only after a hearing thereon of which notice was given as required by 33-1-703. If reasonably possible the commissioner shall set forth the proposed rule or amendment in or with the notice of hearing. No such rule or amendment as to which a hearing is required shall be effective until it has been on file as a public record in the commissioner's office for at least 10 days.

(2) In addition to any other penalty provided, willful violation of any such rule shall subject the violator to such administrative penalties as may be applicable under this code as for violation of the provision as to which such rule relates."

Section 8. Section 33-1-317, MCA, is amended to read:

"33-1-317. Penalty imposed by commissioner. The commissioner may, after having conducted a hearing pursuant to 33-1-701, impose a fine not to exceed the sum of $5,000 upon a person found to have violated any provision of this code~~, except 33-30-1012,~~ or regulation duly promulgated by the commissioner, except that the fine imposed upon agents or adjusters shall not exceed $500. Said fine shall be in addition to all other penalties imposed by the laws of this state and shall be collected by the commissioner in the name of the state of Montana. Imposition of any fine hereunder shall be an order from which an appeal may be taken, pursuant to the provisions of 33-1-711."

Section 9. Section 33-30-111, MCA, is amended to read:

"33-30-111. Notice of violation — conference. If the commissioner shall for any reason have cause to believe that violation of this chapter~~, except 33-30-1012,~~ has occurred or is threatened, the commissioner may give written notice to the health service corporation and to the representatives or other persons who appear to be involved in the suspected violation to arrange a conference with the alleged violators or their authorized representative for the purpose of attempting to ascertain the facts relating to the suspected violation, and in the event it appears that a violation has occurred or is threatened, to arrive at an adequate and effective means of correcting or preventing the violation."

Section 10. Section 33-30-112, MCA, is amended to read:

"33-30-112. Cease and desist order. (1) The commissioner acting in the name of the state may issue an order directing a health service corporation or a representative of a health service corporation to cease and desist from engaging in any act or practice in violation of the provisions of this chapter~~, except 33-30-1012~~.

(2) Within 15 days after service of the order of cease and desist, the respondent may request a hearing on the question of whether acts or practices in violation of this chapter have occurred. These hearings shall be conducted under the Montana Administrative Procedure Act."

Section 11. Section 33-30-113, MCA, is amended to read:

"33-30-113. Injunctive relief. In the case of any violation of the provisions of this chapter~~, except 33-30-1012~~, if the commissioner

elects not to issue a cease and desist order or in the event of non-compliance with a cease and desist order issued under this chapter, the commissioner may institute a proceeding to obtain injunctive relief, receivership, or other appropriate relief in the district court of the county in which the violation occurs or in which the principal place of business of the health service corporation is located. Any proceeding under this section shall conform to the requirements of Title 27, chapter 19 or 20, except that the commissioner shall not be required to allege facts tending to show the lack of an adequate remedy at law or tending to show irreparable damage or loss.""

Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 272, introduced bill, be amended as follows:

1. Page 2, lines 18 and 19.
Following: "that" on line 18
Strike: "Class III"
Following: "railroads" on line 18
Strike: ", as defined by the interstate commerce commission in 49 CFR, part 1201,"

2. Page 2, line 20.
Following: "than"
Strike: "$5"
Insert: "$1"
Following: "million"
Insert: "that are devoted solely to tourism promotion"

And, as amended, do pass. Report adopted.

SB 360, introduced bill, be amended as follows:

1. Page 2.
Following: line 19
Insert: "(3) To have a right of action against the contractor and his bond under this part, a person, firm, or corporation must give the written notice required by this section in substantially this form. Any other type of actual or constructive notice is not sufficient."
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

FISH AND GAME (Smith, Chairman) 2/19/87

SB 331 - Committee adopted the following statement of intent:

Statement of Intent
SB 331

This bill requires a statement of intent because section 4 requires the department of fish, wildlife, and parks to adopt rules to administer the pheasant enhancement program established by the bill. It is intended that the rules:

(1) provide for eligibility criteria for project applications consistent with the general requirements established in the bill;

(2) be consistent with general requirements of the conservation reserve program under the 1985 Food Security Act and the agricultural conservation program, so that landowners participating in those federal programs may also be eligible to participate in this program;

(3) specifically indicate conditions under which pheasants will be released on project areas under the program, including habitat requirements, number to be released, health requirements, banding requirements,

time for release, age of pheasants to be released, and other matters determined necessary by the department;

(4) provide guidelines concerning when areas of less than 160 acres may qualify as project areas; and

(5) establish procedures for application for project funding and review and approval or denial of such applications.

Do pass. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/20/87

SB 94, do pass. Report adopted.

SB 137, introduced bill, be amended as follows:

1. Title, line 5.
Following: "CHARGE"
Strike: "TO SUPPORT THE LAW ENFORCEMENT ACADEMY"

2. Title, lines 6 through 10.
Following: "CONVICTED OF" on line 6
Strike: remainder of line 6 through "APPROPRIATION" on line 10
Insert: "CERTAIN OFFENSES"

3. Title, line 10.
Strike: "SECTIONS"
Insert: "SECTION"

4. Title.
Following: line 10
Strike: "17-7-502, 44-10-202,"
Following: "46-18-236,"
Strike: "AND 61-8-718,"

5. Page 2, line 1.
Following: "misdemeanor"
Strike: "or"
Insert: "set forth in Title 45, for any"

6. Page 2, lines 1 through 6.
Following: "charge,"on line 1
Strike: remainder of line 1 through "(1)(b)" on line 6
Insert: "and for any conviction for violation of 61-7-103, 61-8-301, 61-8-302, 61-8-401, 61-8-406, or 61-11-213"

7. Page 4, lines 4 and 5.
Following: "in the" on line 4
Strike: remainder of line 4 through "[section 5]" on line 5
Insert: "motor vehicle account in the state special revenue fund"

8. Page 4, line 6 through page 9, line 13.
Strike: sections 2 through 5 in their entirety
Renumber: subsequent section

9. Page 9, lines 18 through 20.
Strike: section 7 in its entirety

And, as amended, do pass. Report adopted.

SB 356, introduced bill, be amended as follows:

1. Page 2, line 3.
Following: "the"
Strike: "Montana coroner's association"
Insert: "attorney general"

2. Page 4, line 7.
Following: "the"
Strike: "state medical examiner"
Insert: "attorney general"

3. Page 4.
Following: line 8
Strike: "state medical examiner"
Insert: "attorney general"

4. Page 4, line 13.
Following: "The"
Strike: "state medical examiner"
Insert: "attorney general"

5. Page 4, line 15.
Following: "election"
Strike: "held in an odd-numbered year"

6. Page 4, lines 16 and 17.
Following: "the" on line 16
Strike: remainder of line 16 through "association" on line 17
Insert: "attorney general"

7. Page 4, line 18.
Following: "The"
Strike: "state medical examiner"
Insert: "attorney general"

8. Page 4, line 21.
Following: "The"
Strike: "state medical examiner"
Insert: "attorney general"

9. Page 4.
Following: line 24
Strike: "Montana coroner's association"
Insert: "attorney general"

And, as amended, do pass. Report adopted.

SB 380, do pass. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 2/19/87

SB 175, do pass. Report adopted.
SB 274, do pass. Report adopted.
SB 284, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "may"
Strike: "by resolution passed at a public meeting"
Insert: "pass a resolution of intent to"

2. Page 1.
Following: line 25
Insert: "(3) (a) Upon passing a resolution of intent under subsection (2), the board of county commissioners shall publish notice of the passage of the resolution as provided in 7-1-2121.

(b) At any time within 15 days after the date of the first publication of the notice of the passage of the resolution of intention, any person who would be affected by the proposed fee, penalty, or emolument may make written protest.

(c) At the next regular meeting of the board of county commissioners after the expiration of the time within which protest may be made, the board shall hear and pass upon all protests so made, and its decision shall be final and conclusive. If the board finds the protest to be sufficient, no further proceedings may be taken for a period of 6 months from the date of the meeting at which protests were heard. If the board finds the protest to be insufficient, it may by resolution establish the fee, penalty, or emolument proposed under subsection (2)."

Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

SB 297, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ACT"
Strike: "INCREASING"
Insert: "ALLOWING A COUNTY TO INCREASE"

2. Title, line 5.
Following: "BOARDS"
Strike: "FROM THREE TO FIVE MEMBERS"

3. Page 1, line 12.
Following: "~~three-member~~"
Strike: "five-member"

4. Page 1, line 13.
Following: "board"
Insert: "consisting of at least three but not more than five members"

5. Page 3, lines 11 through 17.
Following: "(1)"
Strike: remainder of section 2 in its entirety
Insert: "If two new members are appointed to a county tax appeal board pursuant to the increase in board size provided for in this act, one shall serve a 4-year term and the other shall serve a 2-year term. Thereafter, both positions must be filled for 3-year terms.

(2) If one new member is appointed to a county tax appeal board pursuant to the increase in board size provided for in this act, he shall serve a 3-year term. Thereafter, the position must be filled for a 3-year term."

And, as amended, do pass. Report adopted.

SB 316, introduced bill, be amended as follows:

1. Title.
Strike: line 7 in its entirety

2. Page 2, line 23.
Following: "land is"
Strike: "first"
Insert: "appraised as if it were"

And, as amended, do pass. Report adopted.

SB 367, do pass. Report adopted.
SB 368, do pass. Report adopted.

RULES (Van Valkenburg, Chairman) 2/20/87

Advises the Senate as a whole that the amendment to SB 296 is not within the scope of the title of the bill and herewith returns the bill to the Committee on Highways.

Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/20/87
SB 376, do pass. Report adopted.

Adverse Committee Reports

FISH AND GAME (Smith, Chairman) 2/19/87
SB 265, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "AND"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING FOR THE IMPLEMENTATION OF THE ACT"

3. Page 2, line 23.
Strike: "One"
Insert: "Two or more"

4. Page 4.
Following: line 9
Insert: "NEW SECTION. Section 5. Implementation. This act is to be implemented upon the election of a governor other than the current governor or the vacancy of the position by the current director of the department."

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Bishop, Smith.
Total 2

Excused: Hager.
Total 1

Absent or not voting: Blaylock, Meyer.
Total 2

STATE ADMINISTRATION (Haffey, Chairman) 2/19/87
SB 339, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Boylan, Hofman.
Total 2

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman)
2/18/87

SB 327, introduced bill, be amended as follows:

1. Title, line 6.
Following: "PROJECTS"
Insert: "AND SMALL POWER PRODUCTION FACILITIES"

2. Page 2, line 2.
Strike: "or works" through "electricity" on line 3
Insert: "or small power production facilities certified by the federal energy regulatory commission and associated with federal reclamation projects"

3. Page 2, line 13.
Strike: "that" through "district" on line 20
Insert: "the provisions of Title 85, chapter 7"

4. Page 2, line 22.
Strike: "any other law"
Insert: "Title 85, chapter 7"

5. Page 3, line 1.
Following: "undertakings."
Insert: "(1)"

6. Page 3, line 2.
Strike: "(1)"
Insert: "(a)"

7. Page 3, line 3.
Following: "domain"
Insert: ", subject to the provisions of Title 70, chapter 30"

8. Page 3, line 8.
Strike: "(2)"
Insert: "(b)"

9. Page 3, line 15.
Strike: "(3)"
Insert: "(c)"

10. Page 3.
Following: line 16
Insert: "(2) Nothing in this section may be construed to permit an irrigation district to condemn any property owned or controlled by a rural electric cooperative or a utility, whether publicly or privately owned. An irrigation district is expressly prohibited from condemning such property."

11. Page 9, line 16.
Strike: "or"
Insert: ","

12. Page 9, line 17.

Following: "indenture,"
Insert: "or security agreement,"
Following: "in the"
Insert: "real and personal property constituting the"

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Manning, McCallum, McLane, Meyer, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 31

Noes: Abrams, Bengtson, Blaylock, Haffey, Halligan, Hammond, Jacobson, Jergeson, Lybeck, Lynch, Mazurek, Regan, Stimatz, Van Valkenburg, Walker, Yellowtail.
Total 16

Excused: Hager.
Total 1

Absent or not voting: Neuman, Rasmussen.
Total 2

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 236, introduced by Addy.

HB 246, introduced by Cobb.

HB 327, introduced by Bulger.

HB 365, introduced by Peck.

HB 416, introduced by Donaldson.

HB 431, introduced by Phillips.

HB 501, introduced by Cody.

HB 509, introduced by Schye.

HB 587, introduced by Darko.

HB 590, introduced by Strizich.

HB 634, introduced by Ellison.

HB 637, introduced by Winslow.

HB 647, introduced by Bulger.

HB 664, introduced by Ramirez.

HB 674, introduced by Mercer.

HB 679, introduced by Keenan.

HB 682, introduced by Spaeth.

HB 689, introduced by Swift.

HB 690, introduced by Glaser.

HB 691, introduced by Bradley.

HB 697, introduced by Connelly.

HB 720, introduced by Spaeth.

HJR 8, introduced by Fritz.

MOTIONS

Senator Keating moved that SB 169 be taken from the Committee on Labor and Employment Relations, printed, and placed on second reading. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Gage, Galt, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 19

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Brown moved that SB 52 be taken from the Committee on Judiciary, printed, and placed on second reading on the 43rd legislative day, 2/23/87. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, McCallum, McLane, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Beck, Boylan, Crippen, Gage, Galt, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, Mazurek, Meyer, Neuman, Pinsoneault, Severson, Smith, Thayer, Tveit.
Total 20

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Weeding moved that SB 142 be taken from the Committee on Agriculture, Livestock, and Irrigation, printed, and placed on second reading on the 42nd legislative day, 2/21/87. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Hammond, Harding, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Beck, Boylan, Gage, Galt, Himsl, Hirsch, Hofman, Keating, Meyer, Rasmussen, Story, Thayer.
Total 13

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Yellowtail moved that SB 268 be taken from second reading this day and placed on second reading on the 44th legislative day, 2/24/87. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 386, introduced by Keating, Harding, Beck, Swysgood, Bengtson, Gage, Tveit, Brandewie, Patterson, Simon, Glaser, Hannah, McCallum, Menke. Referred to Committee on Taxation.
SB 387, introduced by Eck. Referred to Committee on Taxation.
SB 388, introduced by Boylan, Harp, Story, Galt, Hirsch, Ramirez, Kitselman, Sales. Referred to Committee on Labor and Employment Relations.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 14 passed as follows:

Ayes: Anderson, Bengtson, Bishop, Crippen, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 26

Noes: Abrams, Aklestad, Beck, Boylan, Brown, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Mazurek, Rasmussen, Smith, Story, Tveit, Yellowtail.
Total 22

Paired: Neuman, Aye; Hager, No.

Excused: None.
Total 0

Absent or not voting: Blaylock, McCallum.
Total 2

SB 74 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.

Total 1

Absent or not voting: None.
Total 0

SB 127 passed as follows:

Ayes: Aklestad, Anderson, Beck, Farrell, Gage, Galt, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Lybeck, Manning, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Tveit, Walker, Williams.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Jacobson, Kolstad, Lynch, Mazurek, McLane, Severson, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 24

Paired: Farrell, Aye; Hager, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 128 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 198 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Crippen, Eck, Galt, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Keating, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams.
Total 28

Noes: Aklestad, Beck, Bishop, Boylan, Brown, Farrell, Gage, Hammond, Harding, Hofman, Jergeson, Kolstad, Lybeck, McLane, Pinsoneault, Severson, Smith, Story, Tveit, Weeding, Yellowtail, Mr. President.
Total 22

Paired: Hager, Aye; Farrell, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 227 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 253 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Neuman, Van Valkenburg.
Total 2

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 260 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SJR 8 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SJR 9 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Galt, Kolstad, Neuman.
Total 4

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hammond in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 34 - Senator Harding moved that SB 34 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Weeding, Williams, Yellowtail.
Total 39

Noes: Jacobson, Lynch, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 9

Excused: Hager.
Total 1

Absent or not voting: Tveit.
Total 1

SB 103 - Senator Thayer moved that SB 103 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Lynch.
Total 1

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 131 - Senator Manning moved that SB 131 do pass. Motion failed as follows:

Ayes: Abrams, Anderson, Blaylock, Boylan, Farrell, Haffey, Harding, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Pinsoneault, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 22

Noes: Aklestad, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Gage, Galt, Halligan, Himsl, Hirsch, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Story, Thayer, Tveit, Weeding.
Total 23

Excused: Hager.
Total 1

Absent or not voting: Hammond, Kolstad, Severson, Yellowtail.
Total 4

Senator Crippen moved that SB 131 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Gage, Galt, Halligan, Himsl, Hirsch, Keating, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Weeding, Yellowtail, Mr. President.
Total 29

Noes: Abrams, Anderson, Blaylock, Boylan, Farrell, Haffey, Harding, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Stimatz, Van Valkenburg, Vaughn, Williams.
Total 18

Excused: Hager.
Total 1

Absent or not voting: Hammond, Walker.
Total 2

SB 136 - Senator Mazurek moved that SB 136 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Story.
Total 1

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 243 - Senator Vaughn moved that SB 243 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Gage, Hirsch.
Total 2

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 246 - Senator Bengtson moved that SB 246 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Tveit, Van Valkenburg, Vaughn, Walker, Weeding.
Total 37

Noes: Boylan, Brown, Lybeck, McCallum, McLane, Neuman, Story, Thayer, Williams, Yellowtail, Mr. President.
Total 11

Excused: Hager.
Total 1

Absent or not voting: Stimatz.
Total 1

SB 262 - Senator Gage moved that SB 262 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 276 - Senator Pinsoneault moved that SB 276 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 277 - Senator Hofman moved that SB 277 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 280 - Senator McCallum moved that SB 280 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 288 - Senator McLane moved that SB 288 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 294 - Senator Meyer moved that SB 294 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 295 - Senator Meyer moved that SB 295 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 298 - Senator Neuman moved that SB 298 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Hofman, Keating.
Total 3

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 299 - Senator Meyer moved that SB 299 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 300 - Senator Manning moved that SB 300 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 313 - Senator Blaylock moved that SB 313 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Kolstad in the Chair.

SB 314 - Senator Hammond moved that SB 314 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Hammond in the Chair.

SB 320 - Senator Brown moved that SB 320 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 326 - Senator Haffey moved that SB 326 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

HB 269 - Senator Van Valkenburg moved that consideration on HB 269 be passed. Motion carried.

HB 332 - Senator Van Valkenburg moved that consideration on HB 332 be passed. Motion carried.

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hammond moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/20/87

Correctly printed and placed on the members' desks:

SB 39	SB 71	SB 77	SB 139
SB 188	SB 219	SB 226	SB 252
SB 279	SB 302	SB 305	SB 319
SB 321	SB 352	SB 354	SB 355

SB 358 SJR 12 SR 2

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/20/87

SB 291, do pass. Report adopted.
SB 364, do pass. Report adopted.
SB 374, do pass. Report adopted.
HB 133, be concurred in. Report adopted.
HB 257, be concurred in. Report adopted.
HB 334, be concurred in. Report adopted.
HB 386, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 2/20/87

SB 223, introduced bill, be amended as follows:

1. Title.
Following: line 4
Strike: "ARBITRATION"
Insert: "MEDIATION"
Following: "PROCEDURES;"
Insert: "AND"

2. Title, line 6.
Following: "FOR"
Strike: "ARBITRATORS AND"

3. Title, lines 7 and 8.
Following: "MEDIATORS" on line 7
Strike: remainder of line 7 through "AWARDS" on line 8

4. Page 1, line 11.
Following: "Section 1"
Strike: "Mediator-arbitrator"
Insert: "Mediator"

5. Page 1, line 12.
Following: "mediator"
Strike: "or an arbitrator"

6. Page 1, line 13.
Following: "mediation"
Strike: "or arbitration"

7. Page 1, lines 15 and 16.
Following: "mediation" on line 15
Strike: remainder of line 15 through "arbitration" on line 16

8. Page 1, lines 17 through 22.
Following: line 16
Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

SB 241, introduced bill, be amended as follows:

1. Title, line 9.
Following: "ENFORCEMENT"
Strike: "AND EDUCATION"

2. Title, line 11.
Following: "SECTIONS"
Strike: "17-7-502,"
Following: "44-12-102,"

Insert: "44-12-205,"

3. Page 4.
Following: line 2
Insert: "Section 2. Section 44-12-205, MCA, is amended to read:

"44-12-205. Disposition of property following hearing. (1) If the court finds that the property was not used for the purpose charged or that the property listed in 44-12-102(1)(g) was used without the knowledge or consent of the owner, it shall order the property released to the owner of record as of the date of the seizure.

(2) If the court finds that the property was used for the purpose charged and that the property listed in 44-12-102(1)(g) was used with the knowledge or consent of the owner, the property shall be disposed of as follows:

(a) If proper proof of his claim is presented at the hearing by the holder of a security interest, the court shall order the property released to the holder of the security interest if the amount due him is equal to or in excess of the value of the property as of the date of seizure, it being the purpose of this chapter to forfeit only the right, title, or interest of the owner. If the amount due the holder of the security interest is less than the value of the property, the property must be sold at public auction by the sheriff of the county in which the seizure was made in the same manner provided by law for the sale of property under execution or the state may return the property to the holder of the security interest without proceeding with an auction.

(b) If no claimant exists and the confiscating agency wishes to retain the property for its official use, it may do so. If such property is not to be retained, it must be sold as provided in subsection (2)(a).

(c) If a claimant who has presented proper proof of his claim exists and the confiscating agency wishes to retain the property for its official use, it may do so provided it compensates the claimant in the amount of the security interest outstanding at the time of the seizure.

(3) In making a disposition of property under this chapter, the court may take any action to protect the rights of innocent persons.""
Renumber: subsequent section

4. Page 5, line 12.
Following: "(3)"
Strike: "There is"
Insert: "Net proceeds received under subsections (1)(d) and (1)(e) must be deposited in"

5. Page 5, lines 13 through 17.
Following: "fund"
Strike: remainder of lines 13 through 17
Insert: "to the credit of the department of justice. The department may expend the money in the account, as appropriated by the legislature, only for purposes of enforcement of drug laws."

6. Page 5, line 18 through line 12, page 8.
Strike: section 3 in its entirety

And, as amended, do pass. Report adopted.

SB 361, introduced bill, be amended as follows:

1. Title, lines 5 through 13.
Following: ""AN ACT"
Strike: lines 5 through 13 in their entirety
Insert: "REQUIRING THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO DEVELOP A PLAN FOR PROVIDING SERVICES TO EMOTIONALLY DISTURBED CHILDREN; DEFINING "EMOTIONALLY DISTURBED CHILD"; AND AMENDING SECTION 53-4-101, MCA."

2. Pages 1 through 10.
Strike: everything following the enacting clause
Insert: "NEW SECTION. Section 1. Emotionally disturbed children — plan — study committee. (1) The department shall develop a comprehensive plan for services for emotionally disturbed children to be presented to the 51st legislature and each regular session of the legislature thereafter. The department shall recommend a comprehensive service delivery system for emotionally disturbed children, including a plan for gradual implementation of the comprehensive service delivery system.

(2) The plan must identify:

(a) the services needed by emotionally disturbed children;

(b) the number of emotionally disturbed children needing services; and

(c) the interdepartmental responsibility and coordination needed to provide services to emotionally disturbed children.

(3) The department shall appoint a study committee to make recommendations to the department regarding services for emotionally disturbed children. The members of the committee must be willing to serve without compensation and must include but not be limited to representatives of:

(a) the department;

(b) the department of institutions;

(c) the office of public instruction;

(d) a youth court; and

(e) parents of emotionally disturbed children.

Section 2. Section 53-4-101, MCA, is amended to read:

"53-4-101. Definitions. As used in this part, the following definitions apply:

(1) "Child welfare services" means the establishing, extending, and strengthening of child welfare services (especially in predominantly rural areas) for the protection and care of homeless, dependent, and neglected children and children in danger of becoming delinquent.

(2) "Child welfare worker" means staff personnel who have had education and training in the field of child welfare and who are qualified and accepted as such in conformity with the standards established by the department.

(3) "Department" means the department of social and rehabilitation services provided for in Title 2, chapter 15, part 22.

(4) (a) "Emotionally disturbed child" means a child determined by a psychologist, psychiatrist, or licensed social worker to have:

(i) an identifiable mental health problem as identified in a nationally recognized classification system; and

(ii) a substantial impairment, evident for a reasonable length of time, that is characterized by a dysfunction in any of the following areas:

(A) relationships;

(B) behavior;

(C) cognition; or

(D) education.

(b) The nationally recognized classification system referred to in subsection (4)(a)(i) must be one recognized by rules established by the department.

~~(4)~~(5) "Public assistance" or "assistance" means any type of monetary or other assistance furnished under this title to a person by a state or county agency, regardless of the original source of the assistance."

NEW SECTION. Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 53, chapter 4, part 1, and the provisions of Title 53, chapter 4, part 1, apply to section 1."

Committee adopted the following statement of intent:

Statement of Intent
SB 361

A statement of intent is required for this bill because the purpose of this bill is to allow the department of social and rehabilitation services to develop rules for identifying youth who are emotionally disturbed. The department shall use a nationally recognized classification system such as the Diagnostic and Statistical Manual of Mental Disorders, 3rd Edition (DSM-III) to identify mental health problems used to define "emotionally disturbed child".

And, as amended, do pass. Report adopted.

SB 363, introduced bill, be amended as follows:

1. Page 1, line 13.
Following: "~~:~~"
Insert: ":"

2. Page 1, line 20.
Following: "~~(b)~~"
Insert: "(a) (i) the amount of money necessary to pay current installments of child support as they become due and payable; plus

(ii) the amount of money which, when deducted in equal amounts each payday, will pay off all outstanding child support payments delinquent within 2 years; or

(b)"

3. Page 1, line 23.

Following: "~~amount~~"
Insert: "if the sum provided in subsection (1)(a) exceeds that amount"

And, as amended, do pass. Report adopted.

SB 375, introduced bill, be amended as follows:

1. Title, lines 9 and 10.
Following: "ANOTHER;" on line 9
Strike: remainder of line 9 through "DEATH;" on line 10

2. Title, lines 12 and 13.
Following: "ESTATE;" on line 12
Strike: remainder of line 12 through "ACTIONS" on line 13
Insert: "PROVIDING THAT DAMAGES MAY BE RECOVERED ONLY ONCE"

3. Page 1, line 21 through page 3, line 3.
Following: "just." on line 21
Strike: remainder of line 21 through "death." on page 3, line 3

4. Page 3, lines 6 and 7.
Following: "~~An~~" on line 6
Strike: remainder of line 6 through "an" on line 7
Insert: "An"

5. Page 3, lines 20 and 21.
Strike: subsection (2) in its entirety
Insert: "(2) Actions brought under this section and 27-1-513 must be combined in one legal action and any element of damages may be recovered only once."

6. Page 4, line 8.
Strike: "(1)"

7. Page 4, lines 16 through 20.
Following: "person." on line 16
Strike: remainder of line 16 through "law." on line 20

And, as amended, do pass. Report adopted.

SB 379, introduced bill, be amended as follows:

1. Title, line 7.
Following: "PROJECTS"
Insert: "FROM THE COAL SEVERANCE TAX BONDING PROGRAM PROVIDED FOR IN TITLE 17, CHAPTER 5, PART 7"

2. Page 1, line 22.
Following: "obtaining"
Strike: "from the state"

3. Page 1, line 23.
Following: "money"
Insert: "from the coal severance tax bonding program provided for in Title 17, chapter 5, part 7,"

4. Page 4, lines 2 and 3.
Following: "from the" on line 2
Strike: remainder of line 2 through "Montana" on line 3
Insert: "coal severance tax bonding program provided for in Title 17, chapter 5, part 7,"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 2/20/87

SB 286, introduced bill, be amended as follows:

1. Page 1, line 5.
Following: "UNCONSTITUTIONAL;"
Insert: "TO REQUIRE RECREATIONAL USE TO BE EXERCISED WITH REGARD TO LAND OWNERSHIP; TO REQUIRE LANDOWNER PERMISSION FOR RECREATIONAL USE INVOLVING MORE THAN MINIMAL USE OF LAND; TO REVISE PROVISIONS CONCERNING PORTAGE ROUTES;"

And, as amended, do pass. Report adopted.

SB 329, do pass. Report adopted.

SB 373 - Committee adopted the following statement of intent:

Statement of Intent
SB 373

A statement of intent is required for this bill because it delegates rule-making authority in section 9 to the board of natural resources and conservation for the establishment and administration of the reclamation and development grants program.

The intent is to provide the board with the authority to adopt rules necessary to administer the reclamation and development grants program. The authority as described in section 9 includes establishing rules:

(1) prescribing the form and content of applications for grants;

(2) describing the terms and conditions of making grants;

(3) prescribing a monitoring program to evaluate the effectiveness of funded projects and activities; and

(4) developing any procedures necessary to accomplish the objectives of the reclamation and development grants program.

Do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/20/87

SB 215, do pass. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 2/20/87

SB 357, introduced bill, be amended as follows:

1. Page 2, line 10.
Following: "required"
Strike: "to be printed"

And, as amended, do pass. Report adopted.

SB 365, introduced bill, be amended as follows:

1. Page 2, line 9.
Following: "fees of"
Strike: "$3"
Insert: "$5"

2. Page 2, line 21.
Following: "fee of"
Strike: "$3"
Insert: "$5"

3. Page 2, line 25.
Following: "fee of"
Strike: "$3"

Insert: "$5"

4. Page 3, line 2.
Following: "fee of"
Strike: "$3"
Insert: "$5"

5. Page 4, line 20.
Following: "fees of"
Strike: "$3"
Insert: "$5"

6. Page 5, line 3.
Following: "fee of"
Strike: "$3"
Insert: "$5"

7. Page 5, line 7.
Following: "fee of"
Strike: "$3"
Insert: "$5"

8. Page 5, line 9.
Following: "fee of"
Strike: "$3"
Insert: "$5"

9. Page 7, line 1.
Following: "fee of"
Strike: "$3"
Insert: "$5"

And, as amended, do pass. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:30 a.m., February 21, 1987.

Motion carried.

Senate adjourned at 6:31 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FORTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 21, 1987

Senate Chambers
State Capitol

Senate convened at 9:31 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-first legislative day, find the same to be correct.

Galt, Chairman

Senator Aklestad moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 9:35 a.m.

Senate reconvened at 10:25 a.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/21/87

Correctly printed and placed on the members' desks:

SB 52	SB 94	SB 137	SB 142
SB 175	SB 210	SB 215	SB 223
SB 241	SB 272	SB 274	SB 284
SB 286	SB 291	SB 297	SB 316
SB 329	SB 331	SB 356	SB 357
SB 360	SB 361	SB 363	SB 364
SB 365	SB 367	SB 368	SB 373
SB 374	SB 375	SB 376	SB 379
SB 380			

Considered correctly engrossed:

SB 34	SB 103	SB 136	SB 243
SB 246	SB 262	SB 276	SB 277
SB 280	SB 288	SB 294	SB 295
SB 298	SB 299	SB 300	SB 313
SB 314	SB 320	SB 326	

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/20/87

SB 341, introduced bill, be amended as follows:

1. Page 3.
Following: line 4
Insert: "(6) "Fee" means a placement fee. A placement fee is a fee charged by an agency for placement that is the service of referring an applicant to an employer for employment and which results in employment of the applicant. A placement fee does not include a fee charged for a service offered in addition to a placement service."
Renumber: subsequent subsections

2. Page 4, line 7.
Strike: "Except as provided in subsection (3), no"
Insert: "No"

3. Page 4, lines 11 through 16.
Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

SB 372, introduced bill, be amended as follows:

1. Page 4, lines 13 through 16.
Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

SB 385, introduced bill, be amended as follows:

1. Page 8, lines 21 and 22.
Strike: "more than 50 miles from the nearest hospital"
Insert: "in a county with five or fewer persons per square mile"

2. Page 16, lines 15 and 16.
Strike: "more than 50 miles from the nearest hospital"
Insert: "in a county with five or fewer persons per square mile"

And, as amended, do pass. Report adopted.

HB 374, third reading copy, be amended as follows:

1. Title, lines 10 and 11.
Strike: "TO PROVIDE FOR THE ASSISTANT DIRECTOR'S SALARY;"

2. Title, line 16.
Strike: "SECTIONS 2-18-103 AND"
Insert: "SECTION"

3. Title, line 15.
Strike: "8,"

4. Page 5, line 12 through line 16, page 6.
Strike: section 3 in its entirety
Renumber: subsequent sections

5. Page 16, line 22 through line 24, page 17.
Strike: section 10 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman)
2/20/87

SB 344, introduced bill, be amended as follows:

1. Title, lines 7 through 9.
Following: "FUND" on line 7
Strike: "FOR" on line 7 through "CERTIFICATES" on line 9

2. Title, line 10.
Strike: "IMMEDIATE"

3. Page 1, lines 22 through 25.
Following: "a" on line 22
Strike: "special" on line 22 through "therapist" on line 25
Insert: "profession other than the teaching profession"

4. Page 3, line 9.
Strike: "and"

5. Page 3, line 11.
Following: "Montana"

Insert: "; and

(f) nominees from any interested individual or group"

6. Page 5.
Following: line 4, line 9, and line 13
Strike: subsections (d), (f), and (h) each in its entirety
Renumber: remaining subsections
Following: ";"
Insert: "and"

7. Page 6, line 4.
Following: ";"
Insert: "and"

8. Page 6, lines 6 through 9.
Following: "board" on line 6
Strike: ";" on line 6 through "action" on line 9

9. Page 6, line 14.
Following: "exceed"
Strike: "$2"
Insert: "$5"

10. Page 7, lines 1 through 6.
Strike: "The" on line 1 through "certificates." on line 6

11. Page 7, line 12.
Following: "on"
Strike: "passage and approval"
Insert: "July 1, 1987"

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 2/20/87

SB 362, do pass. Report adopted.

SB 370, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "arrangements"
Insert: ", provided that such transportation is by a carrier of passengers certified by the public service commission and"

Committee adopted the following statement of intent:

Statement of Intent
SB 370

A statement of intent is required for this bill because section 1 provides for rulemaking by the board of public education with regard to the method of and reimbursement for transportation of residential and boarding students at the Montana school for the deaf and blind to and from the student's residence during the school year.

It is the intent of the legislature that the board of public education adopt rules that consider the most cost-effective and convenient method of providing for the transportation of each residential student at the school, within the limitations of the act.

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 2/21/87

Recommend that at the close of business February 21, 1987, employment of the following be terminated:

Alec Nisbet .....Page
Zun-Ying Woo .....Page
Amy Royhans .....Page
Craig Martin.....Page
Tim Warner.....Page
Jeffrey Holmquist.....Page
Kristine Byron .....Page
Erin Darboven.....Page
Mary Nicely.....Page

Report adopted.

Adverse Committee Reports

LOCAL GOVERNMENT (Crippen, Chairman) 2/19/87

SB 259, introduced bill, be amended as follows:

1. Title.
Following: line 4
Insert: "CERTAIN"

2. Title, line 5.
Following: "STATE"
Strike: "AND LOCAL GOVERNMENTS"
Insert: "GOVERNMENT"

3. Title, lines 7 and 8.
Following: "LIST;"
Strike: remainder of line 7 through "AND" on line 8
Insert: "GRANTING RULEMAKING AUTHORITY TO THE DEPARTMENT OF ADMINISTRATION;"

4. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING EFFECTIVE DATES"

5. Page 1.
Strike: everything following the enacting clause
Insert: "Section 1. Section 2-6-109, MCA, is amended to read:

"2-6-109. ~~Prohibition on distribution~~ *Distribution* or sale of mailing lists — ~~penalty~~. (1) ~~Except as provided in subsections (3), (4), (5), and (6), in~~ *In* order to protect the privacy of those who deal with state ~~and local~~ government:

(a) ~~no~~ a state agency may not distribute or sell for use as a mailing list any list of persons without first ~~securing the permission of~~ providing public notice so that those on the list have a reasonable opportunity to withhold their consent to be included on the list; and

(b) except as provided in subsections (3) through (7), no list of persons prepared by the agency may be used as a mailing list except by the agency or another agency without first securing the permission of those on the list.

(2) As used in this section, "agency" means any board, bureau, commission, department, division, authority, or officer of the state ~~or a local~~ government.

(3) Except as provided in 30-9-403, this section does not prevent an individual from compiling a mailing list by examination of original documents or applications which are otherwise open to public inspection.

(4) This section does not apply to the lists of registered electors and the new voter lists provided for in 13-2-115 and 13-38-103, or to lists of the names of employees governed by Title 39, chapter 31.

(5) This section shall not prevent an agency from providing a list to persons providing prelicensing or continuing educational courses subject to Title 20, chapter 30, or specifically exempted therefrom as provided in 20-30-102.

(6) This section does not apply to the right of access either by Montana law enforcement agencies or, by purchase or otherwise, ~~of~~ by private citizens to public records dealing with motor vehicle registration.

(7) ~~A person violating the provisions of subsection (1)(b) is guilty of a misdemeanor.~~ An agency may distribute or sell for use as a mailing list a list of persons in one or more of the following categories:

(a) subscribers to magazines published by the agency;

(b) persons who have requested one or more of the agency's publications;

(c) retirees who are members of the public employees' retirement system established in Title 19, chapter 3, or the teachers' retirement system established in Title 19, chapter 4;

(d) persons who have purchased or applied for a permit, license, license decal, or registration certificate from the department of fish, wildlife, and parks; and

(e) persons who have responded to advertisements or other notices published or distributed by the department of commerce for purposes of attracting tourists to the state.

(8) No list sold or distributed for use as a mailing list under this section may be resold.

(9) An agency may sell a mailing list for its market value or not less than the cost of producing it.

(10) Money paid to an agency for a mailing list must be deposited in the fund from which the cost of producing the list was paid.

(11) Nothing in this section allows an agency to distribute or sell a list of persons that is confidential by law or under federal regulations."

NEW SECTION. Section 2. Rulemaking. The department of administration shall adopt rules necessary to administer the provisions of this act, including rules:

(1) for providing public notice that an agency may sell or distribute a list of persons for use as a mailing list;

(2) prescribing a method for establishing the price of a list; and

(3) prescribing criteria for determining whether a particular list may be sold or distributed for use as a mailing list.

NEW SECTION. Section 3. Effective dates. (1) Section 2 and this section are effective on passage and approval.

(2) Section 1 is effective July 1, 1987."

Committee adopted the following statement of intent:

Statement of Intent
SB 259

A statement of intent is required for Senate Bill 259 because section 2 grants rulemaking authority to the department of administration.

The intent of this act is to allow reputable persons access to lists of persons who have requested information about Montana or expressed an intention to participate in Montana's recreational opportunities, in the expectation that use of such lists will enhance the state's effort to promote tourism and business expansion.

It is intended that the rules adopted to administer this act will:

(1) require agencies either to provide public notice that a list of persons is to be made available for sale or distribution or to include a checkoff on new forms that enables an individual to withhold consent to have his name or address on a list;

(2) establish methods whereby an agency can recover the full cost of producing a list; and

(3) allow sale or distribution of any list that is consistent with the intent of this act.

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Pinsoneault, Rasmussen.
Total 2

Excused: Hager.
Total 1

Absent or not voting: Haffey, Lybeck, McCallum, Severson.
Total 4

SB 304, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "general"
Strike: "elections of 1987 and"
Insert: "election of"

2. Page 2.
Following: line 10
Insert: "(2) The ballot statement shall include the most recent annual cost of publishing the items in 7-5-2123(1) in the newspaper holding the county printing contract for publication of legal advertising."
Renumber: subsequent subsection

3. Page 2, line 25.
Following: "subsection"
Strike: "(2)(a) or (2)(b)"
Insert: "(3)(a) or (3)(b)"

4. Page 3, line 3.

Following: "subsection"
Strike: "(2)(a)"
Insert: "(3)(a)"

5. Page 3, line 6.
Following: "subsection"
Strike: "(2)(b)"
Insert: "(3)(b)"

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 41

Noes: Galt, Jergeson, Mazurek, Pinsoneault, Regan, Walker, Yellowtail.
Total 7

Excused: Hager.
Total 1

Absent or not voting: Hofman.
Total 1

MOTIONS

Senator Halligan moved that SB 205 be taken from the table in Committee on Business and Industry as amended, printed, and placed on second reading. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 45

Noes: Bengtson, Neuman, Weeding.
Total 3

Excused: Hager.
Total 1

Absent or not voting: Story.
Total 1

Senator Yellowtail moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 327, print, and place on second reading. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Eck, Haffey, Hammond, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McLane, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Beck, Bishop, Crippen, Farrell, Gage, Galt, Halligan, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.

Total 22

Excused: Hager.
Total 1

Absent or not voting: Lynch.
Total 1

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 99 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 152 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Boylan, Galt, Story.
Total 4

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 179 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 187 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 43

Noes: Bengtson, Boylan, Lynch, Regan, Yellowtail, Mr. President.
Total 6

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 199 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Beck, Pinsoneault, Yellowtail.
Total 3

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 212 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Hager.
Total 1

Absent or not voting: None.

Total 0

SB 213 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 229 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 235 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Blaylock, Himsl, Hirsch, Hofman, Manning, Mazurek, Pinsoneault, Story, Van Valkenburg.
Total 9

Excused: Hager.
Total 1

Absent or not voting: Tveit.
Total 1

SB 237 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Manning, Walker.
Total 2

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 261 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Blaylock.
Total 1

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 263 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 275 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 289 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 303 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 306 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Lynch.
Total 1

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 318 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Eck, Farrell, Galt, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Bishop, Crippen, Gage, Hammond, Harding, Himsl, Hofman, Kolstad, Rasmussen, Severson, Smith, Tveit.
Total 13

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 348 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Brown, Himsl, McCallum, Neuman, Severson.
Total 5

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SJR 11 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.

Total 0

HJR 5 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Story, Thayer.
Total 2

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Mazurek, Chairman) 2/20/87

SB 338, introduced bill, be amended as follows:

1. Page 1, line 18.
Following: "test"
Insert: ", except for employment in hazardous work environments or in jobs that involve security, public safety, or fiduciary responsibility"

2. Page 1, lines 20 and 21.
Following: "unless" on line 20
Strike: remainder of line 20 through "(i)" on line 21

3. Page 1, line 21.
Following: "employer"
Strike: "has demonstrable evidence"
Insert: "believes"

4. Page 1, line 23.
Following: "use"
Strike: ":"
Insert: "."

5. Page 1, lines 24 and 25.
Strike: subsection (ii) in its entirety
Insert: "(2) Prior to the administration of a drug test, the person, firm, corporation, or other business entity or its representative shall adopt a written drug testing procedure and make it available to all persons subject to drug testing. A drug testing procedure must provide for the:

(a) collection of a blood or urine specimen in a manner that minimizes invasion of personal privacy while ensuring the integrity of the collection process;

(b) collection of a quantity of specimen sufficient to ensure the administration of several tests;

(c) collection, storage, and transportation of the specimen in tamper-proof containers;

(d) adoption of chain-of-custody documentation procedures identifying how the specimen was handled and tested;

(e) verification of drug test results by two or more different testing procedures before judging a drug test positive; and

(f) prohibition of the release of drug test results, except as authorized by the person tested or as required by a court of law."

6. Page 2, line 1.
Following: page 1
Strike: "(iii) the employer gives the employee"
Insert: "(3) The person, firm, corporation, or other business entity or its representative shall provide a copy of drug test results to the person tested and provide him"
Renumber: subsequent subsections

7. Page 2, line 2.
Following: "the"
Strike: "employer's"
Following: "expense"
Insert: "of the person requiring the test"

8. Page 2, line 3.
Following: "laboratory"
Strike: "; and"
Insert: "selected by the person tested."

9. Page 2.
Following: line 3
Strike: "(iv) the employee is"
Insert: "The person tested must be"

10. Page 2, line 6.
Following: "against"
Strike: "an"
Insert: "a"

11. Page 2.
Following: line 6
Strike: "employee"
Insert: "person"
Following: "under"
Strike: "subsection"
Insert: "subsections (1)(b),"
Following: "(1)(c)"
Insert: ", and (1)(e)"
Following: "if the"
Strike: "employee"
Insert: "person tested"

And, as amended, do pass. Report adopted.

TAXATION (McCallum, Chairman) 2/21/87

SB 183, introduced bill, be amended as follows:

1. Title, line 11.
Strike: "17-7-502,"
Following: "20-3-106"
Strike: ","

2. Page 2, line 4.
Following: "account" where it first occurs
Insert: "—authorization to appropriate"

3. Page 2, lines 7 and 8.
Following: "The" on line 7
Insert: "legislature may appropriate the"
Following: "account" on line 7
Strike: "is statutorily appropriated, as provided in 17-7-502,"

4. Page 4, line 19 through line 13, page 7.
Strike: section 5 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 378, do pass. Report adopted.

Adverse Committee Reports

STATE ADMINISTRATION (Haffey, Chairman) 2/20/87

SB 328, introduced bill, be amended as follows:

1. Title, line 4.
Following: ": "AN ACT"
Strike: "REQUIRING THE DEPARTMENT OF ADMINISTRATION TO CONTRACT PRINTING OPERATIONS THROUGH MONTANA BUSINESSES; CHANGING RESIDENCE REQUIREMENTS;"

2. Title, lines 8 and 9.
Following: "18-1-103,"
Insert: "18-4-221,"
Following: "18-7-105,"
Strike: "AND"
Following: "18-7-302,"
Insert: "AND 53-1-301,"

3. Page 1, lines 17 and 18.
Following: "awarded"
Strike: "to a resident business"

4. Page 1, line 21.
Following: "in-state"
Strike: "—exception"

5. Page 1, line 21 through line 5, page 2.
Strike: "(1)" on page 1, line 21 through "noncompetitive." on page 2, line 5
Insert: "Unless prohibited by federal law, an in-state printing contract must be awarded to any bidder who is a resident, as defined in 18-1-103, and whose bid is not more than 3% higher than that of the lowest nonresident bidder."

6. Page 2.
Following: line 25
Insert: "(3) Domestic corporations organized under the laws of the state of Montana are prima facie eligible to bid as residents, but this qualification may be set aside and a successful bid disallowed where it is shown to the satisfaction of the board, commission, officer, or individual charged with the responsibility for the execution of such contract that said corporation is a wholly-owned subsidiary of a foreign corporation or that said corporation was formed for the purpose of circumventing the provisions relating to residence."

7. Page 3, line 1.
Strike: "(3)" and "Any"
Insert: "(4) Notwithstanding the foregoing, any"

8. Page 4, lines 10 through 12.
Strike: "commercial"
Following: "printing"
Strike: ","
Insert: "that is paid for all or in part by nongovernment funds. Such printing includes but is not limited to"

9. Page 6, line 21.
Following: "materials"
Strike: "intended for internal"
Insert: "primarily distributed to"
Following: "government"
Strike: "use"
Insert: "agencies or employees"
Following: line 21
Insert: "(2) Educational materials published by a unit of the university system or the superintendent of public instruction, reports of the legislative auditor, travel promotion materials, standard forms, bid specifications, opinions of the attorney general, opinions of the supreme court, session laws, the Administrative Rules of Montana, Montana Code Annotated, regular periodical publications sold to the general public solely through subscription and newsstand sale, or a publication specifically exempted by the publishing policy committee when inclusion of that publication under this part is not considered in the best interests of the state are exempt from public disclosure of costs established in 18-7-306.

(3) The term "printing" as used herein includes those services described in 18-4-123."
Renumber: subsequent subsections

10. Page 7.
Following: line 7
Insert: "Section 8. Section 18-4-221, MCA, is amended to read:

"18-4-221. General procurement authority and duties of department — rules. (1) Except as otherwise provided in this chapter, the department shall adopt rules, consistent with this chapter, governing the procurement and disposal of any and all supplies and services to be procured by the state. The department shall consider and decide matters of policy within the provisions of this chapter. The department may audit and monitor the implementation of its rules and the requirements of this chapter.

(2) Except as otherwise specifically provided by law, the department shall, in accordance with its rules:

(a) procure or supervise the procurement of all supplies and services needed by the state; and

(b) sell, trade, or otherwise dispose of surplus supplies belonging to the state.

(3) ~~Nothing~~ Except as provided in 18-7-101 and 18-7-302, nothing contained herein shall preclude the state from doing its own printing on its own printing facilities."

Section 9. Section 53-1-301, MCA, is amended to read:

"53-1-301. Permitted institutional industries, powers of department, and incentive pay to inmates. (1) Except as provided in 18-1-103 and 18-7-302, or subsection (3), the department may:

(a) establish industries in institutions which will result in the production or manufacture of such products and the rendering of such services as may be needed by any department or agency of the state or any political subdivision thereof, by any agency of the federal government, by any other states or their political subdivisions, or by nonprofit organizations and that will assist in the rehabilitation of residents in institutions;

(b) contract with private industry for the sale of goods or components manufactured or produced in shops under its jurisdiction;

(c) print catalogs describing goods manufactured or produced by institutions and distribute the catalogs;

(d) fix the sale price for goods produced or manufactured at institutions. Prices shall not exceed prices existing in the open market for goods of comparable quality.

(e) require institutions to purchase needed goods from other institutions;

(f) provide for the repair and maintenance of property and equipment of institutions by residents of institutions;

(g) provide for construction projects up to the aggregate sum of $25,000 per project, by residents of institutions; provided, however, said construction work is not covered by a collective bargaining agreement;

(h) provide for the repair and maintenance at an institution of furniture and equipment of any state agency;

(i) provide for the manufacture at an institution of motor vehicle license plates and other related articles;

(j) with the approval of the department, sell manufactured or agricultural products and livestock on the open market;

(k) provide for the manufacture at an institution of highway, road, and street marking signs for the use of the state or any of its political subdivisions, except when the manufacture of the signs is in violation of a collective bargaining contract;

(l) pay an inmate or resident of an institution from receipts from the sale of products produced or manufactured or services rendered in a program in which he is working.

(2) (a) Payment for the performance of work may be based on the following criteria:

(i) knowledge and skill;

(ii) attitude toward authority;

(iii) physical effort;

(iv) responsibility for equipment and materials;

(v) regard for safety of others.

(b) The maximum rate of pay shall be determined by the appropriation established for each program.

(3) Except as provided in subsection (4), furniture made in the prison may be purchased by state agencies in accordance with the procurement provisions under Title 18, chapter 4. All other prison-made furniture may be sold only through licensed wholesale or retail furniture outlets or through export firms for sale to international markets.

(4) Any state institution, facility, or program operated by the department may purchase prison-made furniture without complying with the procurement provisions under Title 18, chapter 4.""

Renumber: subsequent sections

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Hirsch, Kolstad, Lybeck, McLane, Meyer, Neuman, Pinsoneault, Regan, Smith, Stimatz, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.
Total 28

Noes: Bishop, Boylan, Crippen, Harding, Himsl, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McCallum, Rasmussen, Thayer, Vaughn, Walker, Yellowtail.
Total 17

Excused: Hager.
Total 1

Absent or not voting: Beck, Jergeson, Severson, Story.
Total 4

TAXATION (McCallum, Chairman) 2/21/87

SB 30, do not pass. Adverse Committee Report adopted as follows:

Ayes: Aklestad, Bengtson, Bishop, Blaylock, Eck, Farrell, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Noes: Abrams, Anderson, Beck, Boylan, Crippen, Gage, Galt, Hammond, Harding, Hofman, Keating, Kolstad, Manning, McCallum, McLane, Meyer, Severson, Smith, Thayer, Tveit, Walker.
Total 21

Excused: Hager.
Total 1

Absent or not voting: Brown.
Total 1

SB 36, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: "appointed"
Insert: "by the governor, subject to confirmation by the senate,"

2. Page 2, lines 5 through 13.
Following: "." on line 5
Strike: remainder of lines 5 through 13

And, as amended, do not pass. Adverse Committee Report failed to be adopted as follows:

Ayes: Bengtson, Bishop, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 22

Noes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hammond, Harding, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Severson, Smith, Story, Thayer, Tveit.
Total 25

Excused: Hager.
Total 1

Absent or not voting: Rasmussen, Weeding.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Regan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 71 - Senator Gage moved that SB 71 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Crippen, Gage, Galt, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Weeding, Williams.
Total 27

Noes: Beck, Bishop, Blaylock, Brown, Eck, Haffey, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Severson, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 20

Excused: Hager.
Total 1

Absent or not voting: Farrell, Pinsoneault.
Total 2

SB 77 - Senator Pinsoneault moved that SB 77 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Gage, Galt, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, McCallum, McLane, Meyer, Pinsoneault, Regan, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 33

Noes: Blaylock, Eck, Haffey, Jacobson, Mazurek, Neuman, Yellowtail.
Total 7

Excused: Hager.
Total 1

Absent or not voting: Bengtson, Bishop, Farrell, Manning, Rasmussen, Severson, Story, Tveit, Mr. President.

Total 9

SB 139 - Senator Smith moved that SB 139 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 142 - Senator Weeding moved that SB 142 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Crippen, Eck, Haffey, Halligan, Harding, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Regan, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Beck, Bishop, Boylan, Brown, Farrell, Gage, Galt, Hammond, Himsl, Hirsch, Hofman, Keating, McCallum, Meyer, Rasmussen, Severson, Story, Tveit.
Total 19

Excused: Hager.
Total 1

Absent or not voting: Thayer.
Total 1

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Regan moved the adoption of the committee report. Report adopted.

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess until 1:30 p.m. Motion carried.

Senate recessed at 12:44 p.m.

Senate reconvened at 1:36 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman)
Signed by the President at 11:30 a.m., 2/21/87: HB 203, HB 310, HB 391.

Report adopted.

BUSINESS AND INDUSTRY (Thayer, Chairman) 2/20/87

SB 222, introduced bill, be amended as follows:

1. Page 1, line 3.
Strike: "BY REQUEST OF THE DEPARTMENT OF COMMERCE"

2. Title, lines 5 and 6.
Following: "AN ACT TO"
Strike: "ESTABLISH A MOTOR CARRIER TRAFFIC BUREAU WITHIN THE TRANSPORTATION DIVISION OF"
Insert: "PROVIDE SEPARATE PROCUREMENT PROCEDURES FOR THE TRANSPORTATION OF COMMODITIES; TO PROVIDE THE AUTHORITY TO IMPLEMENT THESE PROCEDURES TO"
Following: "COMMERCE;" on line 7
Strike: "AMENDING SECTION 17-7-502, MCA;"

3. Page 1, lines 11 through 13.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 1, line 15.
Strike: "4"
Insert: "3"

5. Page 1, line 22.
Strike: "4"
Insert: "3"

5a. Strike: "NEW SECTION" in the following locations:
Page 1, lines 14 and 21
Page 2, line 9
Page 7, line 17

6. Page 1, line 24.
Strike: subsection (1) in its entirety
Renumber: subsequent subsection

7. Page 2, lines 1 and 2.
Strike: subsection (3) in its entirety
Renumber: subsequent subsection

8. Page 2, lines 5 through 7.
Following: "include" on line 5
Insert: "the commodity services program,"
Following: "rehabilitation services," on line 6
Strike: "the commodity services program,"

9. Page 2, line 11.
Strike: "4"
Insert: "3"

10. Page 2, line 14.
Strike: "3"
Insert: "2"

11. Page 3, line 1.
Following: "(LTL)"
Strike: "by territory"

12. Page 3, line 2.

Following: "shipments"
Strike: "by territory"

13. Page 3, line 10.
Following: "adopt"
Insert: ", in conjunction with the department of administration,"

14. Page 3, line 11.
Following: "agencies for the"
Strike: "invitation of bids and bid awards"
Insert: "purchase of commodity transportation"

15. Page 3, line 12.
Following: "provide staff"
Strike: "for the bureau, including a transportation planner, traffic technician, billing clerk, and clerical assistant"

16. Page 3, line 15 through line 16, page 7.
Strike: sections 5 through 8 in their entirety
Renumber: subsequent section

Committee adopted the following statement of intent:

Statement of Intent
SB 222

A statement of intent is required for this bill because section 3 grants the department of commerce general rulemaking authority governing the selection and purchase of motor carrier transportation services for all state agencies, except intergovernmental human services, social and rehabilitation services, commodity services programs, and the school lunch program of the office of public instruction.

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 123, introduced by Bradley.

HB 322, introduced by Eudaily.

HB 503, introduced by Bradley.

HB 558, introduced by Gould.

HB 576, introduced by Eudaily.

HB 580, introduced by Swysgood.

HB 598, introduced by Rapp-Svrcek.

HB 605, introduced by J. Brown.

HB 641, introduced by Menahan.

HB 706, introduced by D. Brown.

HB 722, introduced by Cobb.

HJR 27, introduced by Phillips.

HJR 28, introduced by Driscoll.

Governor's amendments to House bill concurred in and returned to the Senate for concurrence in Governor's amendments:

HB 30, introduced by Kitselman.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Regan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 188 - Senator Walker moved that SB 188 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 219 - Senator Meyer moved that SB 219, second reading copy, be amended as follows:

1. Page 1.
Following: line 20
Insert: "(3) An applicant who receives approval for a permit under subsection (2) may designate that the permit be issued to an immediate family member or a person employed by the landowner.

(4) Fifteen percent of the special elk permits available each year under this section in a hunting district must be available to landowners under subsection (2)."
Renumber: subsequent subsection

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Meyer moved that SB 219, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 226 - Senator Halligan moved that the following statement of intent be adopted:

Statement of Intent
SB 226

A statement of intent is required for this bill because section 5 allows the department of institutions to adopt rules for the licensing of detention facilities.

Currently, Montana statutes make no provision for the licensing of juvenile detention facilities. There are presently two counties in the process of establishing detention facilities who need assurance that their facilities will meet minimum established standards on program operations and environmental conditions.

It is anticipated that the rules developed under this act will establish minimum standards for juvenile detention facilities. These standards should govern such matters as the capacity of the facility, its location, design, construction, equipment and operation, fire and safety precautions, medical services, qualifications and number of personnel, and the quality of services provided to the juveniles.

The rules should contain a procedure for notifying the appropriate officials of compliance or deficiencies. If the facility is found deficient, a procedure for remedying those deficiencies should be included with specific time limitations.

It is anticipated the state will conduct annual inspections of each facility and may require written reports containing such information as the agency may need to set and enforce its standards.

Statement of intent adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Halligan moved that SB 226, with statement of intent, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 252 - Senator Mazurek moved that SB 252 be placed below SB 319. Motion carried.

SB 279 - Senator Keating moved that SB 279 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 302 - Senator Jergeson moved that consideration on SB 302 be passed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 305 - Senator Eck moved that SB 305 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 319 - Senator Mazurek moved that SB 319 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Lynch, Neuman.
Total 2

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 252 - Senator Mazurek moved that SB 252 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 321 - Senator Jergeson moved that SB 321 do pass. Senator Story made a substitution motion that SB 321, second reading copy, be amended as follows:

1. Page 9, line 24.
Following: "parties;"
Insert: "or"

2. Page 10, line 2.
Strike: "; or"
Insert: "."

3. Page 10, lines 3 and 4.
Strike: subsection (d) in its entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Aklestad moved that SB 321, second reading copy, be further amended as follows:

1. Title, lines 4 and 5.
Strike: "THE RIGHT TO"

2. Title.
Following: line 6
Strike: line 7 through "MEDIATION;" on line 8

3. Title, line 9.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "80-13-201" through "80-13-212," on line 10

4. Page 1.
Following: line 14
Strike: section 1 in its entirety
Renumber: subsequent sections

5. Page 4.

Following: line 8
Strike: line 9 through line 12, page 14
Renumber: subsequent sections

6. Page 14, line 17.
Strike: "9, 12,"

7. Page 14, line 19.
Following: "2"
Strike: ","
Insert: "and"
Following: "through"
Strike: "8, 10, 11, and"

8. Page 14, line 20.
Strike: "1991"
Insert: "1989"

9. Page 14, line 23.
Strike: "1991"
Insert: "1989"

Amendment passed as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 28

Noes: Abrams, Anderson, Blaylock, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 21

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Jergeson moved that SB 321, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 352 - Senator Mazurek moved that SB 352 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 354 - Senator Stimatz moved that SB 354 do pass. Motion failed as follows:

Ayes: Aklestad, Anderson, Bishop, Boylan, Gage, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, Pinsoneault, Smith, Stimatz, Story, Tveit, Walker, Williams, Mr. President.
Total 23

Noes: Abrams, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Himsl, Jergeson, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Thayer, Van Valkenburg, Vaughn, Weeding.
Total 24

Excused: Hager.
Total 1

Absent or not voting: Manning, Yellowtail.
Total 2

SB 355 - Senator Van Valkenburg moved that SB 355, second reading copy, be amended as follows:

1. Title, lines 7 through 9.
Strike: "AND" on line 7 through "DISTRICTS" on line 9

2. Page 2, line 5.
Strike: "five"
Insert: "seven"

3. Page 2, line 7.
Strike: "elected from regional districts"
Insert: "appointed by the governor, and confirmed by the senate, to overlapping terms"

4. Page 3, lines 9 through 11.
Strike: "and" on line 9 through "districts" on line 11

5. Page 3, lines 13 through 15.
Strike: "and" on line 13 through "districts" on line 15

Amendment passed as follows:

Ayes: Abrams, Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Halligan, Himsl, Hirsch, Jacobson, Mazurek, McCallum,

McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Story, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 27

Noes: Anderson, Beck, Boylan, Gage, Galt, Haffey, Hammond, Harding, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Neuman, Smith, Stimatz, Thayer, Tveit, Walker.
Total 21

Excused: Hager.
Total 1

Absent or not voting: Yellowtail.
Total 1

Senator Walker moved that SB 355, as amended, do pass. Motion failed as follows:

Ayes: Crippen, Halligan, Jacobson, Lybeck, Manning, Mazurek, McCallum, Pinsoneault, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 17

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lynch, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Thayer, Weeding.
Total 31

Excused: Hager.
Total 1

Absent or not voting: Yellowtail.
Total 1

SB 358 - Senator Neuman moved that SB 358 do pass. Motion failed as follows:

Ayes: Beck, Blaylock, Boylan, Gage, Galt, Hammond, Harding, Hofman, Kolstad, Lynch, Manning, McCallum, Meyer, Neuman, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Weeding.
Total 21

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Brown, Crippen, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Mazurek, McLane, Pinsoneault, Rasmussen, Regan, Van Valkenburg, Yellowtail, Mr. President.
Total 24

Excused: Hager.
Total 1

Absent or not voting: Farrell, Smith, Tveit, Williams.
Total 4

Senator Van Valkenburg moved that SB 358 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 31

Noes: Beck, Boylan, Gage, Galt, Haffey, Hammond, Hofman, Kolstad, Lynch, Neuman, Smith, Stimatz, Story, Thayer, Vaughn.
Total 15

Excused: Hager.
Total 1

Absent or not voting: Farrell, Tveit, Williams.
Total 3

SJR 12 - Senator Weeding moved that SJR 12 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 94 - Senator Lybeck moved that SB 94 do pass. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 27

Noes: Aklestad, Anderson, Beck, Gage, Galt, Hammond, Harding, Hofman, Keating, Kolstad, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Thayer, Tveit.
Total 17

Excused: Hager.
Total 1

Absent or not voting: Blaylock, McCallum, Story, Williams, Yellowtail.
Total 5

SB 223 - Senator Eck moved that SB 223 do pass. Senator Eck made a substitute motion that SB 223 be placed below SB 331. Substitute motion carried.

SB 241 - Senator Keating moved that SB 241 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 274 - Senator Hammond moved that SB 274 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Mr. President.
Total 37

Noes: Boylan, Crippen, Eck, Galt, Pinsoneault, Walker.
Total 6

Excused: Hager.
Total 1

Absent or not voting: Abrams, Brown, Kolstad, McCallum, Williams, Yellowtail.
Total 6

SB 284 - Senator Beck moved that SB 284 do pass. Senator Van Valkenburg made a substitute motion that consideration on SB 284 be passed until the 44th legislative day, 2/24/87. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Bengtson excused at this time.

SB 297 - Senator Harding moved that SB 297 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad,

Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Bengtson, Hager.
Total 2

Absent or not voting: None.
Total 0

SB 316 - Senator Hirsch moved that SB 316 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Bengtson, Hager.
Total 2

Absent or not voting: None.
Total 0

SB 331 - Senator Smith moved that SB 331 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Boylan, Farrell, Keating, McLane, Severson.
Total 6

Excused: Bengtson, Hager.
Total 2

Absent or not voting: Galt, McCallum, Story.
Total 3

SB 223 - Senator Eck moved, without objection, that consideration on SB 223 be passed.

SB 356 - Senator Kolstad moved that SB 356 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond,

Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Bengtson, Hager.
Total 2

Absent or not voting: None.
Total 0

SB 367 - Senator Harding moved that SB 367 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Bengtson, Hager.
Total 2

Absent or not voting: None.
Total 0

SB 374 - Senator Neuman moved that SB 374 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Bengtson, Hager.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair.

SB 284 - Senator Beck moved that SB 284 be segregated from the Committee of the Whole Report. Motion carried.

Chairman Regan moved the adoption of the committee report, as amended. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman) 2/20/87

SB 308, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "BLACKJACK OR"

2. Title, line 7.
Following: "IF THE"
Insert: "GOVERNING BODY OR"

3. Title, line 8.
Strike: "AND"

4. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

5. Page 1, line 21.
Strike: "blackjack or"
Strike: "if,"
Following: "upon"
Insert: ": (i) approval by the governing body of the licensing city, town, or county subject to the electorate's right of referendum under 7-5-131 through 7-5-137; or

(ii)"

6. Page 1, line 22.
Following: "electorate,"
Insert: "and"

7. Page 2, line 25 through line 1, page 3.
Strike: "been" on line 25, page 2 through "products" on line 1, page 3
Insert: "an all-beverages license issued by the liquor division of the department of revenue"

8. Page 3, lines 8 through 11.
Strike: "have" on line 8 through "obtained" on line 11
Insert: "does not have an all-beverages license issued by the liquor division of the department of revenue"

9. Page 3, line 13.
Following: "fee"
Insert: "of not less than $1,500 for each table"

10. Page 3, line 16.
Following: "prorated."
Insert: "Thirty percent of the fees paid pursuant to this subsection must be transmitted by the licensing city, town, or county to the state treasurer for deposit in the state general fund."

11. Page 4.
Following: line 5

Insert: "NEW SECTION. Section 4. Effective date. This act is effective on passage and approval."

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 2/21/87

SB 315, introduced bill, be amended as follows:

1. Title, lines 5 through 23.
Following: "AN ACT"
Strike: lines 5 through 23 in their entirety
Insert: "TO GENERALLY REVISE THE WORKERS' COMPENSATION AND OCCUPATIONAL DISEASE LAWS; TO PROVIDE THAT OBTAINING BENEFITS FRAUDULENTLY CONSTITUTES THEFT; AMENDING SECTIONS 19-12-401, 39-71-116, 39-71-118, 39-71-119, 39-71-203, 39-71-204, 39-71-401, 39-71-407, 39-71-414, 39-71-502, 39-71-503, 39-71-605, 39-71-611 THROUGH 39-71-614, 39-71-701 THROUGH 39-71-704, 39-71-708, 39-71-710, 39-71-721, 39-71-736, 39-71-737, 39-71-741, 39-71-803, 39-71-1003, 39-71-2106, 39-71-2901, 39-71-2903, 39-71-2905, 39-71-2907, 39-71-2909, 39-72-102, AND 45-6-301, MCA; REPEALING SECTIONS 39-71-104, 39-71-121, 39-71-122, 39-71-410, 39-71-705 THROUGH 39-71-707, 39-71-709, 39-71-738, 39-71-914, 39-71-1001, 39-71-1002, 39-71-1005, 39-71-2906, 39-71-2908, AND 39-72-104, MCA; AND PROVIDING APPLICABILITY DATES AND EFFECTIVE DATES."

2. Pages 1 through 111.
Strike: everything following the enacting clause
Insert: "NEW SECTION. Section 1. Declaration of public policy. For the purposes of interpreting and applying Title 39, chapters 71 and 72, the following is the public policy of this state:

(1) It is an objective of the Montana workers' compensation system to provide, without regard to fault, wage supplement and medical benefits to a worker suffering from a work-related injury or disease. Wage-loss benefits are not intended to make an injured worker whole; they are intended to assist a worker at a reasonable cost to the employer. Within that limitation, the wage-loss benefit should bear a reasonable relationship to actual wages lost as a result of a work-related injury or disease.

(2) A worker's removal from the work force due to a work-related injury or disease has a negative impact on the worker, the worker's family, the employer, and the general public. Therefore, it is an objective of the workers' compensation system to return a worker to work as soon as possible after the worker has suffered a work-related injury or disease.

(3) Montana's workers' compensation and occupational disease insurance systems are intended to be primarily self-administering. Claimants should be able to speedily obtain benefits, and employers should be able to provide coverage at reasonably constant rates. To meet these objectives, the system must be designed to minimize reliance upon lawyers and the courts to obtain benefits and interpret liabilities.

(4) Title 39, chapters 71 and 72, must be construed according to their terms and not liberally in favor of any party.

Section 2. Section 39-71-116, MCA, is amended to read:

"39-71-116. Definitions. Unless the context otherwise requires, words and phrases employed in this chapter have the following meanings:

(1) "Average weekly wage" means the mean weekly earnings of all employees under covered employment, as defined and established annually by the Montana department of labor and industry. It is established at the nearest whole dollar number and must be adopted by the division of workers' compensation prior to July 1 of each year.

(2) "Beneficiary" means:

(a) a surviving ~~wife or husband~~ spouse living with or legally entitled to be supported by the deceased at the time of injury;

(b) an unmarried child under the age of 18 years;

(c) an unmarried child under the age of ~~25~~ 22 years who is a full-time student in an accredited school or is enrolled in an accredited apprenticeship program;

(d) an invalid child over the age of 18 years who is dependent upon the decedent for support at the time of injury;

(e) a parent who is dependent upon the decedent for support at the time of the injury (however, such a parent is a beneficiary only when no beneficiary, as defined in subsections (2)(a) through (2)(d) of this section, exists); and

(f) a brother or sister under the age of 18 years if dependent upon the decedent for support at the time of the injury (however, such a brother or sister is a beneficiary only until the age of 18 years and only when no beneficiary, as defined in subsections (2)(a) through (2)(e) of this section, exists).

(3) "Casual employment" means employment not in the usual course of trade, business, profession, or occupation of the employer. ~~Any person hauling or assisting in hauling of sugar beets or grains, in case of emergency, is considered engaged in casual employment.~~

(4) "Child" includes a posthumous child, a dependent stepchild, and a child legally adopted prior to the injury~~, and an illegitimate child legitimized prior to the injury~~.

(5) "Days" means calendar days, unless otherwise specified.

(6) "Department" means the department of labor and industry.

~~(5)~~(7) "Division" means the division of workers' compensation of the department of labor and industry provided for in 2-15-1702.

~~(6)~~(8) "Fiscal year" means the period of time between July 1 and the succeeding June 30.

~~(7) "Husband" or "widower" means only a husband or widower living with or legally entitled to be supported by the deceased at the time of her injury.~~

~~(8)~~(9) "Insurer" means an employer bound by compensation plan No. 1, an insurance company transacting business under compensation plan No. 2, the ~~industrial insurance account~~ state compensation insurance fund under compensation plan No. 3, or the uninsured employers' fund provided for in part 5 of this chapter.

~~(9)~~(10) "Invalid" means one who is physically or mentally incapacitated.

(11) "Maximum healing" means the status reached when a worker is as far restored medically as the permanent character of the work-related injury will permit.

~~(10)~~(12) "Order" means any decision, rule, direction, requirement, or standard of the division or any other determination arrived at or decision made by the division.

~~(11)~~(13) "Payroll", "annual payroll", or "annual payroll for the preceding year" means the average annual payroll of the employer for the preceding calendar year or, if the employer shall not have operated a sufficient or any length of time during such calendar year, 12 times the average monthly payroll for the current year; provided, that an estimate may be made by the division for any employer starting in business where no average payrolls are available, such estimate to be adjusted by additional payment by the employer or refund by the division, as the case may actually be on December 31 of such current year.

~~(12)~~(14) "Permanent partial disability" means a condition ~~resulting from injury as defined in this chapter that results in the actual loss of earnings or earning capability less than total that exists after the injured worker is as far restored as the permanent character of the injuries will permit. Disability shall be supported by a preponderance of medical evidence.~~, after a worker has reached maximum healing, in which a worker:

(a) has a medically determined physical restriction as a result of an injury as defined in 39-71-119; and

(b) is able to return to work in the worker's job pool pursuant to one of the options set forth in [section 36] but suffers impairment or partial wage loss, or both.

~~(13)~~(15) "Permanent total disability" means a condition resulting from injury as defined in this chapter ~~that results in the loss of actual earnings or earning capability that exists after the injured worker is as far restored as the permanent character of the injuries will permit and which results in the worker having no reasonable prospect of finding regular employment of any kind in the normal labor market. Disability shall be supported by a preponderance of medical evidence.~~, after a worker reaches maximum healing, in which a worker is unable to return to work in the worker's job pool after exhausting all options set forth in [section 36].

~~(14)~~(16) The term "physician" includes "surgeon" and in either case means one authorized by law to practice his profession in this state.

~~(15)~~(17) "The plant of the employer" includes the place of business of a third person while the employer has access to or control over such place of business for the purpose of carrying on his usual trade, business, or occupation.

~~(16)~~(18) "Public corporation" means the state or any county, municipal corporation, school district, city, city under commission form of government or special charter, town, or village.

~~(17)~~(19) "Reasonably safe place to work" means that the place of employment has been made as free from danger to the life or safety

of the employee as the nature of the employment will reasonably permit.

~~(18)~~(20) "Reasonably safe tools and appliances" are such tools and appliances as are adapted to and are reasonably safe for use for the particular purpose for which they are furnished.

~~(19)~~(21) "Temporary total disability" means a condition resulting from an injury as defined in this chapter that results in total loss of wages and exists until the injured worker ~~is as far restored as the permanent character of the injuries will permit. A worker shall be paid temporary total disability benefits during a reasonable period of retraining. Disability shall be supported by a preponderance of medical evidence~~ reaches maximum healing.

~~(20) "Wages" means the average gross earnings received by the employee at the time of the injury for the usual hours of employment in a week, and overtime is not to be considered. Sick leave benefits accrued by employees of public corporations, as defined by subsection (16) of this section, are considered wages.~~

~~(21) "Wife" or "widow" means only a wife or widow living with or legally entitled to be supported by the deceased at the time of the injury.~~

(22) "Year", unless otherwise specified, means calendar year."

Section 3. Section 39-71-119, MCA, is amended to read:

"39-71-119. Injury ~~or injured~~ and accident defined. (1) "Injury" or "injured" means:

~~(1) a tangible happening of a traumatic nature from an unexpected cause or unusual strain resulting in either external or internal physical harm and such physical condition as a result therefrom and excluding disease not traceable to injury, except as provided in subsection (2) of this section;~~

~~(2) cardiovascular or pulmonary or respiratory diseases contracted by a paid firefighter employed by a municipality, village, or fire district as a regular member of a lawfully established fire department, which diseases are caused by overexertion in times of stress or danger in the course of his employment by proximate exposure or by cumulative exposure over a period of 4 years or more to heat, smoke, chemical fumes, or other toxic gases. Nothing herein shall be construed to exclude any other working person who suffers a cardiovascular, pulmonary, or respiratory disease while in the course and scope of his employment.~~

(a) internal or external physical harm to the body;

(b) damage to prosthetic devices or appliances, except for damage to eyeglasses, contact lenses, dentures, or hearing aids; or

~~(3)~~(c) death ~~resulting from injury~~.

(2) An injury is caused by an accident. An accident is:

(a) an unexpected traumatic incident or unusual strain;

(b) identifiable by time and place of occurrence;

(c) identifiable by member or part of the body affected; and

(d) caused by a specific event on a single day or during a single work shift.

(3) "Injury" or "injured" does not mean a physical or mental condition arising from:

(a) emotional or mental stress; or

(b) a nonphysical stimulus or activity.

(4) "Injury" or "injured" does not include a disease that is not caused by an accident.

(5) A cardiovascular, pulmonary, respiratory, or other disease, cerebrovascular accident, or myocardial infarction suffered by a worker is an injury only if the accident is the primary cause of the physical harm in relation to other factors contributing to the physical harm."

NEW SECTION. Section 4. Wages defined. (1) "Wages" means the gross remuneration paid in money, or in a substitute for money, for services rendered by an employee. Wages include but are not limited to:

(a) commissions, bonuses, and remuneration at the regular hourly rate for overtime work, holidays, vacations, and sickness periods;

(b) board or lodging if it constitutes a part of the employee's remuneration, based on the actual value of the board, lodging, rent, or housing; and

(c) payments made to an employee on any basis other than time worked, including but not limited to piecework, an incentive plan, or profit-sharing arrangement.

(2) Wages do not include:

(a) employee travel expense reimbursements or allowances for meals, lodging, travel, and subsistence;

(b) special rewards for individual invention or discovery;

(c) tips and other gratuities received by the employee in excess of those documented to the employer for tax purposes;

(d) contributions made by the employer to a group insurance or pension plan; or

(e) vacation or sick leave benefits accrued but not paid.

(3) For compensation benefit purposes, the average actual earnings for the four pay periods immediately preceding the injury are the employee's wages, except if:

(a) the term of employment for the same employer is less than four pay periods, in which case the employee's wages are the hourly rate times the number of hours in a week for which the employee was hired to work; or

(b) for good cause shown by the claimant, the use of the four pay periods does not accurately reflect the claimant's employment history with the employer, in which case the insurer may use additional pay periods.

Section 5. Section 39-71-203, MCA, is amended to read:

"39-71-203. Powers of division — rules. (1) The division is hereby vested with full power, authority, and jurisdiction to do and perform any and all things, whether herein specifically designated or in addition thereto, ~~which~~ that are necessary or convenient in the exercise of any power, authority, or jurisdiction conferred upon it under this chapter.

(2) The division may adopt rules to carry out the provisions of this chapter."

Section 6. Section 39-71-204, MCA, is amended to read:

"39-71-204. Rescission, alteration, or amendment by division of its orders, decisions, or awards — ~~limitation~~ — effect — appeal. (1) ~~Except as provided in subsection (2), the~~ The division ~~shall have~~ has continuing jurisdiction over all its orders, decisions, and awards and may, at any time, upon notice, and after opportunity to be heard is given to the parties in interest, rescind, alter, or amend any such order, decision, or award made by it upon good cause appearing therefor.

~~(2) The division or the workers' compensation judge shall not have power to rescind, alter, or amend any final settlement or award of compensation more than 4 years after the same has been approved by the division. Rescinding, altering, or amending a final settlement within the 4-year period shall be by agreement between the claimant and the insurer. If the claimant and the insurer cannot agree, the dispute shall be considered a dispute for which the workers' compensation judge has jurisdiction to make a determination. Except as provided in 39-71-2908, the division or the workers' compensation judge shall not have the power to rescind, alter, or amend any order approving a full and final compromise settlement of compensation.~~

~~(3)~~(2) Any order, decision, or award rescinding, altering, or amending a prior order, decision, or award ~~shall have~~ has the same effect as original orders or awards.

(3) If a party is aggrieved by a division order, the party may appeal the dispute to the workers' compensation judge."

NEW SECTION. Section 7. Filing true claim — obtaining benefits through deception or other fraudulent means — criminal penalty. (1) A person filing a claim under this chapter or chapter 72 of this title, by signing the claim, affirms the information filed is true and correct to the best of that person's knowledge.

(2) A person who obtains or assists in obtaining benefits to which the person is not entitled under this chapter or chapter 72 of this title may be guilty of theft under 45-6-301. A county attorney may initiate criminal proceedings against the person.

NEW SECTION. Section 8. Disputes — jurisdiction — evidence — settlement requirements — mediation. (1) A dispute concerning benefits arising under this chapter or chapter 72 must be brought before a department mediator as provided in [sections 52 through 57]. If a dispute still exists after the parties satisfy the mediation requirements in [sections 52 through 57], either party may petition the workers' compensation court for a resolution.

(2) A dispute arising under this chapter that does not concern benefits or a dispute for which a specific provision of this chapter gives the division jurisdiction must be brought before the division.

(3) An appeal from a division order may be made to the workers' compensation court.

(4) The common law and statutory rules of evidence do not apply in a case brought to hearing before the division.

(5) Except as otherwise provided in this chapter, before a party may bring a dispute concerning benefits before a mediator, the parties shall attempt to settle as follows:

(a) The party making a demand shall present the other party with a specific written demand that contains sufficient explanation and documentary evidence to enable the other party to thoroughly evaluate the demand.

(b) The party receiving the demand shall respond in writing within 15 working days of receipt. If the demand is denied in whole or in part, the response shall state the basis of the denial.

(c) A party may move to dismiss a petition if it does not comply with this subsection. A mediator has the authority to dismiss a petition if he finds that the party did not comply with this subsection, but the mediator's decision may be reviewed by the workers' compensation court upon motion of a party.

(6) Nothing in this subsection relieves a party of an obligation otherwise contained in this chapter.

NEW SECTION. Section 9. Financial incentives to institute safety programs. The state compensation insurance fund, plan No. 3, and private insurers, plan No. 2, may provide financial incentives to an employer who implements a formal safety program. The insurance carrier may provide to an employer a premium discount that reflects the degree of risk diminished by the implemented safety program.

Section 10. Section 39-71-401, MCA, is amended to read:

"39-71-401. Employments covered and employments exempted. (1) Except as provided in subsection (2) of this section, the Workers' Compensation Act applies to all employers as defined in 39-71-117 and to all employees as defined in 39-71-118. An employer who has any employee in service under any appointment or contract of hire, expressed or implied, oral or written, shall elect to be bound by the provisions of compensation plan No. 1, 2, or 3. Every employee whose employer is bound by the Workers' Compensation Act is subject to and bound by the compensation plan that has been elected by the employer.

(2) Unless the employer elects coverage for these employments under this chapter and an insurer allows such an election, the Workers' Compensation Act does not apply to any of the following employments:

(a) household and domestic employment;

(b) casual employment as defined in 39-71-116~~(3) except employment of a volunteer under 67-2-105~~;

(c) employment of members of an employer's family dwelling in the employer's household;

(d) employment of sole proprietors or working members of a partnership ~~other than those who consider themselves or hold themselves~~

~~out as independent contractors and who are not contracting for agricultural services to be performed on a farm or ranch, or for broker or salesman services performed under a license issued by the board of realty regulation, or for services as a direct seller engaged in the sale of consumer products to customers primarily in the home~~, except as provided in subsection (3);

(e) employment of a broker or salesman performing under a license issued by the board of realty regulation;

(f) employment of a direct seller engaged in the sale of consumer products, primarily in the customer's home;

~~(e)~~(g) employment for which a rule of liability for injury, occupational disease, or death is provided under the laws of the United States;

~~(f)~~(h) employment of any person performing services in return for aid or sustenance only, except employment of a volunteer under 67-2-105;

~~(g)~~(i) employment with any railroad engaged in interstate commerce, except that railroad construction work ~~shall be~~ is included in and subject to the provisions of this chapter;

~~(h)~~(j) employment as an official, including a timer, referee, or judge, at a school amateur athletic event, unless the person is otherwise employed by a school district.

(3) A sole proprietor, or a working member of a partnership who holds himself out or considers himself an independent contractor, ~~and who is not contracting for agricultural services to be performed on a farm or ranch, or for broker or salesman services performed under a license issued by the board of realty regulation, or for services as a direct seller engaged in the sale of consumer products to customers primarily in the home~~ must elect to be bound personally and individually by the provisions of compensation plan No. 1, 2, or 3, but he may apply to the division for an exemption from the Workers' Compensation Act for himself. The application must be made in accordance with the rules adopted by the division. The division may deny the application only if it determines that the applicant is not an independent contractor. When an application is approved by the division, it is conclusive as to the status of an independent contractor and precludes the applicant from obtaining benefits under this chapter.

(4) (a) A private corporation shall provide coverage for its officers and other employees under the provisions of compensation plan No. 1, 2, or 3. However, pursuant to such rules as the division promulgates and subject in all cases to approval by the division, an officer of a private corporation may elect not to be bound as an employee under this chapter by giving a written notice, on a form provided by the division, served in the following manner:

(i) if the employer has elected to be bound by the provisions of compensation plan No. 1, by delivering the notice to the board of directors of the employer and the division; or

(ii) if the employer has elected to be bound by the provisions of compensation plan No. 2 or 3, by delivering the notice to the board of directors of the employer, the division, and the insurer.

(b) If the employer changes plans or insurers, the officer's previous election is not effective and the officer shall again serve notice as provided if he elects not to be bound.

(c) The appointment or election of an employee as an officer of a corporation for the purpose of excluding the employee from coverage under this chapter does not entitle the officer to elect not to be bound as an employee under this chapter. In any case, the officer must sign the notice required by subsection (4)(a) under oath or affirmation, and he is subject to the penalties for false swearing under 45-7-202 if he falsifies the notice.

~~(4)~~(5) Each employer shall post a sign in the workplace at the locations where notices to employees are normally posted, informing employees about the employer's current provision of compensation insurance. A workplace is any location where an employee performs any work-related act in the course of employment, regardless of whether the location is temporary or permanent, and includes the place of business or property of a third person while the employer has access to or control over such place of business or property for the purpose of carrying on his usual trade, business, or occupation. The sign will be provided by the division, distributed through insurers or directly by the division, and posted by employers in accordance with rules adopted by the division. An employer who purposely or knowingly fails to post a sign as provided in this subsection is subject to a $50 fine for each citation."

Section 11. Section 39-71-407, MCA, is amended to read:

"39-71-407. Liability of insurers — limitations. (1) Every insurer is liable for the payment of compensation, in the manner and to the extent hereinafter provided, to an employee of an employer it insures who receives an injury arising out of and in the course of his employment or, in the case of his death from such injury, to his beneficiaries, if any.

(2) (a) An insurer is liable for an injury as defined in 39-71-119 if the claimant establishes it is more probable than not that:

(i) a claimed injury has occurred; or

(ii) a claimed injury aggravated a preexisting condition.

(b) Proof that it was medically possible that a claimed injury occurred or that such claimed injury aggravated a preexisting condition is not sufficient to establish liability.

(3) An employee who suffers an injury or dies while traveling is not covered by this chapter unless:

(a) (i) the employer furnishes the transportation or the employee receives reimbursement from the employer for costs of travel, gas, oil, or lodging as a part of the employee's benefits or employment agreement; and

(ii) the travel is necessitated by and on behalf of the employer as an integral part, or condition, of the employment; or

(b) the travel is required by the employer as part of the employee's job duties.

(4) An employee is not eligible for benefits otherwise payable under this chapter if the employee's use of alcohol or drugs not prescribed

by a physician is the sole and exclusive cause of the injury or death. However, if the employer had knowledge of and failed to attempt to stop the employee's use of alcohol or drugs, this subsection does not apply."

Section 12. Section 39-71-414, MCA, is amended to read:

"39-71-414. Subrogation. (1) If an action is prosecuted as provided for in 39-71-412 or 39-71-413 and except as otherwise provided in this section, the insurer is entitled to subrogation for all compensation and benefits paid or to be paid under the Workers' Compensation Act. The insurer's right of subrogation is a first lien on the claim, judgment, or recovery.

(2) (a) If the injured employee intends to institute the third party action, he shall give the insurer reasonable notice of his intention to institute the action.

(b) The injured employee may request that the insurer pay a proportionate share of the reasonable cost of the action, including attorneys' fees.

(c) The insurer may elect not to participate in the cost of the action. If this election is made, the insurer waives 50% of its subrogation rights granted by this section.

(d) If the injured employee or the employee's personal representative institutes the action, the employee is entitled to at least one-third of the amount recovered by judgment or settlement less a proportionate share of reasonable costs, including attorneys' fees, if the amount of recovery is insufficient to provide the employee with that amount after payment of subrogation.

(3) If an injured employee refuses or fails to institute the third party action within 1 year from the date of injury, the insurer may institute the action in the name of the employee and for the employee's benefit or that of the employee's personal representative. If the insurer institutes the action, it shall pay to the employee any amount received by judgment or settlement which is in excess of the amounts paid or to be paid under the Workers' Compensation Act after the insurer's reasonable costs, including attorneys' fees for prosecuting the action, have been deducted from the recovery.

(4) An insurer may enter into compromise agreements in settlement of subrogation rights.

(5) If the amount of compensation and other benefits payable under the Workers' Compensation Act have not been fully determined at the time the employee, the employee's heirs or personal representatives, or the insurer have settled in any manner the action as provided for in this section, the division shall determine what proportion of the settlement shall be allocated under subrogation. The division's determination may be appealed to the workers' compensation judge.

(6) (a) The insurer is entitled to full subrogation rights under this section, even though the claimant is able to demonstrate damages in excess of the workers' compensation benefits and the third-party recovery combined. The insurer may subrogate against the entire settlement or award of a third party claim brought by the claimant or his personal representative, without regard to the nature of the damages.

(b) If no survival action exists and the parties reach a settlement of a wrongful death claim without apportionment of damages by a court or jury, the insurer may subrogate against the entire settlement amount, without regard to the parties' apportionment of the damages, unless the insurer is a party to the settlement agreement."

Section 13. Section 39-71-502, MCA, is amended to read:

"39-71-502. Creation and purpose of uninsured employers' fund. There is created an uninsured employers' fund. The purpose of the fund is to pay to an injured employee of an uninsured employer the same benefits the employee would have received if the employer had been properly enrolled under compensation plan No. 1, 2, or 3, except as provided in 39-71-503(2)."

Section 14. Section 39-71-503, MCA, is amended to read:

"39-71-503. Administration of fund. (1) The division shall administer the fund and shall pay all proper benefits to injured employees of uninsured employers.

(2) ~~Proper surpluses and reserves shall be kept for the fund.~~ Surpluses and reserves shall not be kept for the fund. The division shall make such payments as it considers appropriate as funds become available from time to time. The payment of weekly disability benefits takes preference over the payment of medical benefits. No lump-sum payments of future projected benefits, including impairment awards, may be made from the fund. The board of investments shall invest the moneys of the fund. The cost of administration of the fund shall be paid out of the money in the fund."

Section 15. Section 39-71-605, MCA, is amended to read:

"39-71-605. Examination of employee by physician — effect of refusal to submit to examination — report and testimony of physician — cost. (1) (a) Whenever in case of injury the right to compensation under this chapter would exist in favor of any employee, he shall, upon the written request of ~~his employer or~~ the insurer, submit from time to time to examination by a physician or panel of physicians, who shall be provided and paid for by such ~~employer or~~ insurer, and shall likewise submit to examination from time to time by any physician or panel of physicians selected by the division ~~or any member or examiner or referee thereof~~.

(b) The request or order for such examination shall fix a time and place therefor, due regard being had to the convenience of the employee and his physical condition and ability to attend at the time and place fixed. The employee shall be entitled to have a physician present at any such examination. So long as the employee, after such written request, shall fail or refuse to submit to such examination or shall in any way obstruct the same, his right to compensation shall be suspended. Any physician or panel of physicians employed by ~~the employer,~~ the insurer~~,~~ or the division who shall make or be present at any such examination may be required to testify as to the results thereof.

(2) In the event of a dispute concerning the physical condition of a claimant or the cause or causes of ~~his~~ the injury or disability, if any, the division, at the request of the claimant~~, employer,~~ or insurer, as the case may be, shall require the claimant to submit to such examination as it may deem desirable by a physician or panel

of physicians within the state or elsewhere who have had adequate and substantial experience in the particular field of medicine concerned with the matters presented by the dispute. The physician or panel of physicians making the examination shall file a written report of findings with the division for its use in the determination of the controversy involved. The division shall pay the physician or panel of physicians for the examination and shall be reimbursed by the party who requested it.

(3) This section does not apply to impairment evaluations provided for in [section 24]."

Section 16. Section 39-71-611, MCA, is amended to read:

"39-71-611. Costs and attorneys' fees payable on denial of claim or termination of benefits later found compensable. ~~In the event an insurer denies liability for a claim for compensation or terminates compensation benefits and the claim is later adjudged compensable by the workers' compensation judge or on appeal, the insurer shall pay reasonable costs and attorneys' fees as established by the workers' compensation judge.~~ (1) The insurer shall pay reasonable costs and attorney fees as established by the workers' compensation court if:

(a) the insurer denies liability for a claim for compensation or terminates compensation benefits;

(b) the claim is later adjudged compensable by the workers' compensation court; and

(c) in the case of attorneys' fees, the workers' compensation court determines that the insurer's actions in denying liability or terminating benefits were unreasonable.

(2) A finding of unreasonableness against an insurer made under this section does not constitute a finding that the insurer acted in bad faith or violated the unfair trade practices provisions of Title 33, chapter 18."

Section 17. Section 39-71-612, MCA, is amended to read:

"39-71-612. Costs and attorneys' fees that may be assessed against an ~~employer or~~ insurer by workers' compensation judge. (1) If an ~~employer or~~ insurer pays or ~~tenders~~ submits a written offer of payment of compensation under chapter 71 or 72 of this title but controversy relates to the amount of compensation due, the case is brought before the workers' compensation judge for adjudication of the controversy, and the award granted by the judge is greater than the amount paid or ~~tendered~~ offered by the ~~employer or~~ insurer, a reasonable attorney's fee and costs as established by the workers' compensation judge if the case has gone to a hearing may be awarded by the judge in addition to the amount of compensation.

~~(2) When an attorney's fee is awarded against an employer or insurer under this section there may be further assessed against the employer or insurer reasonable costs, fees, and mileage for necessary witnesses attending a hearing on the claimant's behalf. Both the necessity for the witness and the reasonableness of the fees must be approved by the workers' compensation judge.~~

(2) An award of attorneys' fees under subsection (1) may only be made if it is determined that the actions of the insurer were unreasonable. Any written offer of payment made 30 days or more before

the date of hearing must be considered a valid offer of payment for the purposes of this section.

(3) A finding of unreasonableness against an insurer made under this section does not constitute a finding that the insurer acted in bad faith or violated the unfair trade practices provisions of Title 33, chapter 18."

Section 18. Section 39-71-613, MCA, is amended to read:

"39-71-613. Regulation of attorneys' fees — forfeiture of fee for noncompliance. (1) When an attorney represents or acts on behalf of a claimant or any other party on any workers' compensation claim, the attorney shall submit to the division a contract of employment, on a form provided by the division, stating specifically the terms of the fee arrangement between the attorney and the claimant.

(2) The administrator of the division may regulate the amount of the attorney's fee in any workers' compensation case. In regulating the amount of the fee, the administrator shall consider:

(a) the benefits the claimant gained due to the efforts of the attorney;

(b) the time the attorney was required to spend on the case~~.~~;

(c) the complexity of the case~~.~~; and

(d) any other relevant matter the administrator may consider appropriate.

(3) If an attorney violates a provision of this section, a rule adopted under this section, or an order fixing an attorney's fee under this section, he shall forfeit the right to any fee which he may have collected or been entitled to collect."

Section 19. Section 39-71-614, MCA, is amended to read:

"39-71-614. Calculation of attorney fees — limitation. (1) The amount of an attorney's fee assessed against an ~~employer or~~ insurer under 39-71-611 or 39-71-612 must be based exclusively on the time spent by the attorney in representing the claimant on the issues brought ~~before the workers' compensation judge~~ to hearing. The attorney must document the time spent ~~and give the documentation to the judge~~, but the judge is not bound by the documentation submitted.

(2) The judge shall determine a reasonable attorney fee and assess costs. ~~He is not bound by the documentation submitted to him.~~ The hourly ~~fee the judge applies~~ rate applied to the time spent must be based on the attorney's customary and current hourly ~~fee~~ rate for legal work performed in this state, subject to a maximum established by the division.

~~(2)~~(3) This section does not restrict a claimant and an attorney from entering into a contingency fee arrangement under which the attorney receives a percentage of the amount of compensation payments received by the claimant because of the efforts of the attorney. However, an amount equal to any fee and costs assessed against an ~~employer or~~ insurer under 39-71-61 or 39-71-612 and this section must be deducted from the fee an attorney is entitled to from the claimant under a contingency fee arrangement."

NEW SECTION. Section 20. Employer not to terminate worker for filing claim — preference — jurisdiction over dispute. (1) An employer may not use as grounds for terminating a worker the filing of a claim under this chapter or chapter 72 of this title.

(2) If an injured worker is capable of returning to work within 2 years from the date of injury and has received a medical release to return to work, the worker must be given a preference over new hires for a comparable position that becomes vacant within such 2-year period if:

(a) the position is consistent with the worker's physical condition and vocational abilities; and

(b) the worker is substantially equally qualified as other applicants.

(3) This preference applies only to employment with the employer for whom the employee was working at the time the injury occurred.

(4) The division, department, and workers' compensation court do not have jurisdiction to administer or resolve a dispute under this section. Exclusive jurisdiction is with the district court.

Section 21. Section 39-71-701, MCA, is amended to read:

"39-71-701. Compensation for injuries producing temporary total disability. (1) Subject to the limitation in 39-71-736, a worker is eligible for temporary total disability benefits when the worker suffers a total loss of wages as a result of an injury and until the worker reaches maximum healing.

(2) The determination of temporary total disability must be supported by a preponderance of medical evidence.

~~(1)~~(3) Weekly compensation benefits for injury producing ~~total~~ temporary total disability shall be 66 ⅔% of the wages received at the time of the injury. The maximum weekly compensation benefits shall not exceed ~~$110 beginning July 1, 1973. Beginning July 1, 1974, the maximum weekly compensation benefits shall not exceed~~ the state's average weekly wage at the time of injury. ~~Total temporary~~ Temporary total disability benefits shall be paid for the duration of the worker's temporary disability. The weekly benefit amount may not be adjusted for cost of living as provided in 39-71-702(5).

~~(2)~~(4) In cases where it is determined that periodic disability benefits granted by the Social Security Act are payable because of the injury, the weekly benefits payable under this section are reduced, but not below zero, by an amount equal, as nearly as practical, to one-half the federal periodic benefits for such week, which amount is to be calculated from the date of the disability social security entitlement.

(5) Notwithstanding subsection (3), beginning July 1, 1987, through June 30, 1989, weekly compensation benefits for temporary total disability may not exceed the state's average weekly wage of $299 established July 1, 1986."

Section 22. Section 39-71-702, MCA, is amended to read:

"39-71-702. Compensation for ~~injuries producing~~ permanent total ~~permanent~~ disability. (1) If a worker is no longer temporarily totally disabled and is unable to return to work due to injury, the worker is eligible for permanent total disability benefits. At an insurer's

request, an evaluation of all options under [section 36] must be made before permanent total disability status is determined. Permanent total disability benefits must be paid for the duration of the worker's permanent total disability, subject to 39-71-710 and [section 47].

(2) The determination of permanent total disability must be supported by a preponderance of medical evidence.

~~(1)~~(3) Weekly compensation benefits for an injury ~~producing total permanent~~ resulting in permanent total disability shall be 66 ⅔% of the wages received at the time of the injury. The maximum weekly compensation benefits shall not exceed the state's average weekly wage at the time of injury. ~~Total permanent disability benefits shall be paid for the duration of the worker's total permanent disability.~~

~~(2)~~(4) In cases where it is determined that periodic disability benefits granted by the Social Security Act are payable because of the injury, the weekly benefits payable under this section are reduced, but not below zero, by an amount equal, as nearly as practical, to one-half the federal periodic benefits for such week, which amount is to be calculated from the date of the disability social security entitlement.

(5) A worker's benefit amount must be adjusted for a cost-of-living increase on the next July 1 after 104 weeks of permanent total disability benefits have been paid, and each succeeding July 1. A worker may not receive more that 10 such adjustments. The adjustment must be the percentage increase, if any, in the state's average weekly wage as adopted by the division over the state's average weekly wage adopted for the previous year, or 3%, whichever is less.

(6) Notwithstanding subsection (3), beginning July 1, 1987, through June 30, 1989, the maximum weekly compensation benefits for permanent total disability may not exceed the state's average weekly wage of $299 established July 1, 1986."

Section 23. Section 39-71-703, MCA, is amended to read:

"39-71-703. Compensation for injuries causing partial disability. (1) ~~Weekly compensation benefits for injury producing partial disability shall be 66 ⅔% of the actual diminution in the worker's earning capacity measured in dollars, subject to a maximum weekly compensation of one-half the state's average weekly wage.~~

~~(2) The compensation shall be paid during the period of disability, not exceeding, however, 500 weeks in cases of partial disability. However,compensation for partial disability resulting from the loss of or injury to any member shall not be payable for a greater number of weeks than is specified in 39-71-705 for the loss of the member.~~ A worker who has reached maximum healing and is not eligible for permanent total disability benefits but who has a medically determined physical restriction as a result of a work-related injury may be eligible for an impairment award and wage supplement benefits as follows:

(a) The following procedure must be followed for an impairment award:

(i) Each percentage point of impairment is compensated in an amount equal to 5 weeks times 66 ⅔% of the wages received at the time of the injury, subject to a maximum compensation rate of one-half of the state's average weekly wage at the time of injury.

(ii) When a worker reaches maximum healing, an impairment rating is rendered by one or more physicians as provided for in [section 24]. Impairment benefits are payable beginning the date of maximum healing.

(iii) An impairment award may be paid biweekly or in a lump sum, at the discretion of the worker. Lump sums paid for impairments are not subject to the requirements set forth in 39-71-741, except that lump-sum conversions for benefits not accrued may be reduced to present value at the rate set forth by the division in 39-71-741(5).

(iv) If a worker becomes eligible for permanent total disability benefits, the insurer may recover any lump-sum advance paid to a claimant for impairment, as set forth in 39-71-741(5). Such right of recovery does not apply to lump-sum benefits paid for the period prior to claimant's eligibility for permanent total disability benefits.

(v) If a worker suffers additional injury, an impairment award payable for the additional injury must be reduced by the amount of a previous award paid for impairment to the same site on the body.

(b) The following procedure must be followed for a wage supplement:

(i) A worker must be compensated in weekly benefits equal to 66 ⅔% of the difference between the worker's actual wages received at the time of the injury and the wages the worker is qualified to earn in the worker's job pool, subject to a maximum compensation rate of one-half the state's average weekly wage at the time of injury.

(ii) Eligibility for wage supplement benefits begins at maximum healing and terminates at the expiration of 500 weeks minus the number of weeks for which a worker's impairment award is payable, subject to 39-71-710. A worker's failure to sustain a wage loss compensable under subsection (1)(b)(i) does not extend the period of eligibility. However, if a worker becomes eligible for temporary total disability, permanent total disability, or total rehabilitation benefits after reaching maximum healing, the eligibility period for wage supplement benefits is extended by any period for which a worker is compensated by those benefits after reaching maximum healing.

(2) The determination of permanent partial disability must be supported by a preponderance of medical evidence.

(3) Notwithstanding subsections (1) and (2), beginning July 1, 1987, through June 30, 1989, the maximum weekly compensation benefits for permanent partial disability may not exceed $149.50, which is one-half the state's average weekly wage established July 1, 1986."

NEW SECTION. Section 24. Impairment evaluation — ratings. (1) An impairment rating:

(a) is a purely medical determination and must be determined by an impairment evaluator after a claimant has reached maximum healing;

(b) must be based on the current edition of the Guides to Evaluation of Permanent Impairment published by the American Medical Association; and

(c) must be expressed as a percentage of the whole person.

(2) A claimant or insurer, or both, may obtain an impairment rating from a physician of the party's choice. If the claimant and

insurer cannot agree upon the rating, the procedure in subsection (3) must be followed.

(3) (a) Upon request of the claimant or insurer, the division shall direct a claimant to an evaluator for a rating. The evaluator shall:

(i) evaluate the claimant to determine the degree of impairment, if any, that exists due to the injury; and

(ii) submit a report to the division, the claimant, and the insurer.

(b) Unless the following procedure is followed, the insurer shall begin paying the impairment award, if any, within 10 days of the evaluator's mailing of the report:

(i) Either the claimant or the insurer, within 15 days after the date of mailing of the report by the first evaluator, may request that the claimant be evaluated by a second evaluator. If a second evaluation is requested, the division shall direct the claimant to a second evaluator, who shall determine the degree of impairment, if any, that exists due to the injury.

(ii) The reports of both examinations must be submitted to a third evaluator, who may also examine the claimant or seek other consultation. The three evaluators shall consult with one another, and then the third evaluator shall submit a final report to the division, the claimant, and the insurer. The final report must state the degree of impairment, if any, that exists due to the injury.

(iii) Unless either party disputes the rating in the final report as provided in subsection (6), the insurer shall begin paying the impairment award, if any, within 45 days of the date of mailing of the report by the third evaluator.

(4) The division shall appoint impairment evaluators to render ratings under subsection (1). The division shall adopt rules that set forth the qualifications of evaluators and the locations of examinations. An evaluator must be a physician licensed under Title 37, chapter 3. The division may seek nominations from the board of medical examiners.

(5) The cost of impairment evaluations is assessed to a workers' insurer, except that the cost of an evaluation under subsection (3)(b)(ii) or (3)(b)(iii) is assessed to the requesting party.

(6) A party may dispute a final impairment rating rendered under subsection (3)(b)(iii) by filing a petition with the workers' compensation court within 15 days of the evaluator's mailing of the report. Disputes over impairment ratings are not subject to 39-71-605 or to mandatory mediation.

(7) An impairment rating rendered under subsection (3) is presumed correct. This presumption is rebuttable.

Section 25. Section 39-71-704, MCA, is amended to read:

"39-71-704. Payment of medical, hospital, and related services. (1) In addition to the compensation provided by this chapter and as an additional benefit separate and apart from compensation, the following shall be furnished:

(a) After the happening of the injury, the insurer shall furnish, without limitation as to length of time or dollar amount, reasonable

services by a physician or surgeon, reasonable hospital services and medicines when needed, and such other treatment as may be approved by the division for the injuries sustained.

(b) The insurer shall replace or repair prescription eyeglasses, prescription contact lenses, prescription hearing aids, and dentures that are damaged or lost as a result of an injury, as defined in 39-71-119, arising out of and in the course of employment.

(2) A relative value fee schedule for medical, chiropractic, and paramedical services provided for in this chapter, excluding hospital services, shall be established annually by the workers' compensation division and become effective in January of each year. The maximum fee schedule must be adopted as a relative value fee schedule of medical, chiropractic, and paramedical services, with unit values to indicate the relative relationship within each grouping of specialties. Medical fees must be based on the median fees as billed to the state compensation insurance fund during the year preceding the adoption of the schedule. The division shall adopt rules establishing relative unit values, groups of specialties, the procedures insurers must use to pay for services under the schedule, and the method of determining the median of billed medical fees. These rules shall be modeled on the 1974 revision of the 1969 California Relative Value Studies.

(3) Beginning January 1988, the division shall establish rates for hospital services necessary for the treatment of injured workers. Approved rates must be in effect for a period of 12 months from the date of approval. The division may coordinate this ratesetting function with other public agencies that have similar responsibilities.

(4) Notwithstanding subsection (2), beginning January 1, 1988, and ending January 1990, the maximum fees payable by insurers must be limited to the relative value fee schedule established in January 1987. Notwithstanding subsection (3), the hospital rates payable by insurers must be limited to those set in January 1988, until December 31, 1989."

Section 26. Section 39-71-708, MCA, is amended to read:

"39-71-708. Compensation for disfigurement. (1) The division may award proper and equitable ~~indemnity~~ benefits for serious face, head, or neck disfigurement, not to exceed $2,500, in addition to ~~any other indemnity~~ benefits payable under ~~39-71-705, 39-71-706, or 39-71-707~~ 39-71-703.

(2) No payment under this section shall be in lieu of the separate benefit of medical and hospital services ~~and~~ or of any benefits paid under 39-71-701 for temporary total disability."

Section 27. Section 39-71-710, MCA, is amended to read:

"39-71-710. Termination of ~~total disability~~ benefits upon retirement. (1) If a claimant is receiving ~~total~~ disability or rehabilitation compensation benefits and the claimant ~~receives retirement~~ receives social security retirement benefits or is eligible to receive full social security retirement benefits ~~or disability social security benefits paid to the claimant are converted by law to retirement benefits~~, the claimant is considered to be retired ~~and no longer in the open labor market~~. When the claimant is considered retired, the liability of the insurer is ended for payment of ~~such~~ wage supplement, permanent

total, and rehabilitation compensation benefits. ~~This section does not apply to permanent partial disability benefits. Medical benefits are expressly reserved to the claimant.~~ However, the insurer remains liable for temporary total disability benefits, any impairment award, and medical benefits.

(2) If a claimant who is eligible to receive social security retirement benefits and is gainfully employed suffers a work-related injury, the insurer retains liability for temporary total disability benefits, any impairment award, and medical benefits."

NEW SECTION. Section 28. Benefits not due while claimant is incarcerated. A claimant is not eligible for any disability or rehabilitation compensation benefits while the claimant is incarcerated as the result of conviction of a felony. The insurer remains liable for medical benefits. No time limit on benefits otherwise provided in this chapter is extended due to a period of incarceration.

Section 29. Section 39-71-721, MCA, is amended to read:

"39-71-721. Compensation for injury causing death — limitation. (1) (a) If an injured employee dies and the injury was the proximate cause of such death, then the beneficiary of the deceased~~, as the case may be,~~ is entitled to the same compensation as though the death occurred immediately following the injury~~, but the period during which the death benefit is paid shall be reduced by the period during or for which compensation was paid for the injury~~. A beneficiary's eligibility for benefits commences after the date of death, and the benefit level is established as set forth in subsection (2).

(b) The insurer is entitled to recover any overpayments or compensation paid in a lump sum to a worker prior to death but not yet recouped. The insurer shall recover such payments from the beneficiary's biweekly payments as provided in 39-71-741(5).

(2) To beneficiaries as defined in ~~subsections (2)(a) through (2)(d) of 39-71-116~~ 39-71-116(2)(a) through 39-71-116(2)(d), weekly compensation benefits for an injury causing death are ~~computed at~~ 66 ⅔% of the decedent's wages. The maximum weekly compensation ~~benefits~~ benefit may not exceed the state's average weekly wage at the time of injury. The minimum weekly compensation ~~for death~~ benefit is 50% of the state's average weekly wage, but in no event may it exceed the decedent's actual wages at the time of his death.

(3) To beneficiaries as defined in ~~subsections (2)(e) and (2)(f) of 39-71-116~~ 39-71-116(2)(e) and 39-71-116(2)(f), weekly benefits must be paid to the extent of the dependency at the time of the injury, subject to a maximum of 66 ⅔% of the decedent's wages. The maximum weekly compensation may not exceed the state's average weekly wage.

(4) If the decedent leaves no beneficiary as defined in 39-71-116(2), a lump-sum payment of $3,000 must be paid to the decedent's surviving parent or parents.

(5) If any beneficiary of a deceased employee dies, the right of such beneficiary to compensation under this chapter ceases. Death benefits must be paid to a ~~widow or widower for life or until remarriage, and in the event of remarriage, 2 years' benefits must be paid in a lump sum to the widow or widower.~~ surviving spouse for 500 weeks subsequent to the date of the deceased employee's death or until the

spouse's remarriage, whichever occurs first. After benefit payments cease to a surviving spouse, death benefits must be paid to beneficiaries, if any, as defined in 39-71-116(2)(b) through 39-71-116(2)(d).

(6) In all cases, benefits must be paid to beneficiaries, as defined in 39-71-116(2).

(7) Benefits paid under this section may not be adjusted for cost of living as provided in 39-71-702.

(8) Notwithstanding subsections (2) and (3), beginning July 1, 1987, through June 30, 1989, the maximum weekly compensation benefits for injury causing death may not exceed the state's average weekly wage of $299 established July 1, 1986. Beginning July 1, 1987, through June 30, 1989, the minimum weekly compensation for injury causing death shall be $149.50, which is 50% of the state's average weekly wage established July 1, 1986, but in no event may it exceed the decedent's actual wages at the time of death."

Section 30. Section 39-71-736, MCA, is amended to read:

"39-71-736. Compensation — from what date paid. (1) (a) No compensation may be paid for the first ~~5~~ 6 days loss of wages due to an injury. ~~If loss of wages continues for more than 5 days, compensation shall be paid from the date of injury.~~ A claimant is eligible for compensation starting with the 7th day of wage loss.

(b) However, separate benefits of medical and hospital services shall be furnished from the date of injury.

(2) For the purpose of this section, an injured worker is not considered to have a wage loss if the worker is receiving sick leave benefits, except that each day for which the worker elects to receive sick leave counts 1 day toward the 6-day waiting period."

Section 31. Section 39-71-737, MCA, is amended to read:

"39-71-737. Compensation to run consecutively — exceptions. ~~(1)~~ Compensation shall run consecutively and not concurrently, and payment shall not be made for two classes of disability over the same period except that ~~indemnity benefits under 39-71-705 through 39-71-708 and temporary total disability benefits may be paid concurrently. However, subject to the provisions of 39-71-741, this section does not prevent:~~

~~(a) the payment of a lump-sum advance settlement against projected future permanent partial indemnity benefits while a claimant is receiving temporary total disability benefits; or~~

~~(b) a settlement of a combination of different classes of disability benefits into a lump sum or into a combination of periodic and lump-sum payments.~~

~~(2) A controversy between a claimant and an insurer regarding a settlement authorized under this section is a dispute for which the workers' compensation judge has jurisdiction to make a determination.~~ impairment awards and auxiliary rehabilitation benefits may be paid concurrently with other classes of benefits, and wage supplement and partial rehabilitation benefits may be paid concurrently."

Section 32. Section 39-71-741, MCA, is amended to read:

"39-71-741. Compromise settlements and lump-sum payments — ~~division approval required. (1) The biweekly payments provided for~~

~~in this chapter may be converted, in whole or in part, into a lump-sum payment. Regardless of the date of the injury or of a prior lump-sum payment, a lump-sum conversion of permanent total biweekly payments awarded or paid after April 15, 1985, must equal the estimated present value of the total unpaid permanent total biweekly payments, assuming interest at 7% per year, compounded annually, unless the conversion improves the financial condition of the worker or his beneficiary, as provided in subsection (2)(b). If the estimated duration of the compensation period is the remaining life expectancy of the claimant or the claimant's beneficiary, the remaining life expectancy must be determined by using the most recent table of life expectancy in years as published by the United States national center for health statistics.~~

~~(2) The conversion can only be made upon the written application of the injured worker or the worker's beneficiary, with the concurrence of the insurer, and approval of the conversion rests in the discretion of the division as to the amount of the lump-sum payment and the advisability of the conversion. It is presumed that biweekly payments are in the best interests of the worker or his beneficiary. The approval or award of a lump-sum conversion by the division or the workers' compensation judge must be the exception, not the rule, and may be given only if the worker or his beneficiary demonstrates that his ability to sustain himself financially is more probable with a whole or partial lump-sum conversion than with the biweekly payments and his other available resources. The following procedure must be used by the division and the workers' compensation judge in determining whether a lump-sum conversion of permanent total biweekly payments will be approved or awarded:~~

~~(a) The difference between the present discounted value of a lump sum and the future value of the biweekly payments cannot be the only grounds for approving or awarding a lump-sum conversion.~~

~~(b) A lump-sum conversion that improves the financial condition of the worker or his beneficiary over what would have been reasonably expected had the worker not been injured or died can be approved or awarded only if the lump-sum conversion is limited to the purchase price to the insurer of an annuity that would yield an amount equal to the biweekly benefits payable over the estimated duration of the compensation period. The worker or his beneficiary must demonstrate the financial condition that would have been reasonably expected, taking into consideration his age, education, work experience, and probable job promotions and pay increases.~~

~~(c) If the existing delinquent or outstanding debts are used as grounds for a lump-sum conversion, the worker or his beneficiary must demonstrate through a debt management plan that a lump sum for that purpose is necessary to sustain himself financially.~~

~~(d) If a business venture is used as grounds for a lump-sum conversion, the worker or his beneficiary must demonstrate through a business plan that a lump sum for that purpose is necessary to sustain himself financially. The business plan must at least show the feasibility of the business, given the market conditions in the intended market area, and the cash that will be available to him on a biweekly basis after start-up costs and other business expenses are considered throughout the expected life of the venture.~~

~~(3) If the division finds that an application for lump-sum conversion does not adequately demonstrate the ability of the worker or his~~

~~beneficiary to sustain himself financially, the division may order, at the insurer's expense, financial, medical, vocational rehabilitation, educational, or other evaluative studies to determine whether a lump-sum conversion is in the best interest of the worker or his beneficiary.~~

~~(4) The division has full power, authority, and jurisdiction to allow and approve compromises of claims under this chapter. All settlements and compromises of compensation provided in this chapter are void without the approval of the division. Approval of the division must be in writing. The division shall directly notify every claimant of any division order approving or denying a claimant's settlement or compromise of a claim.~~

~~(5) A controversy between a claimant and an insurer regarding the conversion of biweekly payments into a lump sum is considered a dispute for which the workers' compensation judge has jurisdiction to make a determination.~~ (1) (a) Benefits may be converted in whole to a lump sum:

(i) if a claimant and an insurer dispute the initial compensability of an injury; and

(ii) if the claimant and insurer agree.

(b) The agreement is subject to division approval. The division may disapprove an agreement under this section only if there is not a reasonable dispute over compensability.

(c) Upon approval, the agreement constitutes a compromise and release settlement and may not be reopened by the division or by any court.

(d) The parties' failure to reach an agreement is not a dispute over which a mediator or the workers' compensation court has jurisdiction.

(2) (a) If an insurer has accepted initial liability for an injury, permanent total and permanent partial wage supplement benefits may be converted in whole to a lump-sum payment.

(b) The conversion may be made only upon agreement between a claimant and an insurer.

(c) The agreement is subject to division approval. The division may approve an agreement if:

(i) there is a reasonable dispute concerning the amount of the insurer's future liability or benefits; or

(ii) the amount of the insurer's projected liability is reasonably certain and the settlement amount is not substantially less than the present value of the insurer's liability.

(d) The parties' failure to reach agreement is not a dispute over which a mediator or the worker's compensation court has jurisdiction.

(3) (a) Permanent partial wage supplement benefits may be converted in part to a lump-sum advance.

(b) The conversion may be made only upon agreement between a claimant and an insurer.

(c) The agreement is subject to division approval. The division may approve an agreement if the parties demonstrate that the claimant has financial need that:

(i) relates to the necessities of life or relates to an accumulation of debt incurred prior to injury; and

(ii) arises subsequent to the date of injury or arises because of reduced income as a result of the injury.

(d) The parties' failure to reach an agreement is not a dispute over which a mediator or the workers' compensation court has jurisdiction.

(4) Permanent total disability benefits may be converted to a lump-sum advance. The total of all lump-sum payments to a claimant may not exceed $20,000. A conversion may be made only upon the written application of the injured worker with the concurrence of the insurer. Approval of the lump-sum payment rests in the discretion of the division. The approval or award of a lump-sum payment by the division or court must be the exception. It may be given only if the worker has demonstrated financial need that:

(a) relates to:

(i) the necessities of life;

(ii) an accumulation of debt incurred prior to the injury; or

(iii) a self-employment venture as set forth in [section 47]; and

(b) arises subsequent to the date of accident or arises because of reduced income as a result of the accident.

(5) (a) An insurer may recoup any lump-sum advance amortized at the rate established by the division, prorated biweekly over the projected duration of the compensation period.

(b) The rate adopted by the division must be based on the average rate for United States 10-year treasury bills in the previous calendar year, rounded to the nearest whole number.

(c) If the projected compensation period is the claimant's lifetime, the life expectancy must be determined by using the most recent table of life expectancy as published by the United States national center for health statistics.

(6) The division has full power, authority, and jurisdiction to allow, approve, or condition compromise settlements or lump-sum advances agreed to by workers and insurers. All such compromise settlements and lump-sum payments are void without the approval of the division. Approval by the division must be in writing. The division shall directly notify a claimant of a division order approving or denying a claimant's compromise or lump-sum payment.

(7) Subject to [section 8], a dispute between a claimant and an insurer regarding the conversion of biweekly payments into a lump-sum advance under subsection (4) is considered a dispute, for which a mediator and the workers' compensation court have jurisdiction to make a determination. If an insurer and a claimant agree to a compromise and release settlement or a lump-sum advance but the division disapproves the agreement, the parties may request the workers' compensation court to review the division's decision."

Section 33. Section 39-71-803, MCA, is amended to read:

"39-71-803. Occupational deafness distinguished from traumatic loss of hearing. Occupational deafness as herein provided is distinguished from traumatic loss of hearing, which ~~is governed by the specific loss schedule provided for in 39-71-705~~ may be compensated under parts 7 and 10 of this chapter."

NEW SECTION. Section 34. Definitions. As used in this chapter, the following definitions apply:

(1) "Board of rehabilitation certification" means the nonprofit, independent, fee-structured organization that is a member of the national commission for health certifying agencies and that is established to certify rehabilitation practitioners.

(2) "Disabled worker" means one who has a medically determined restriction resulting from a work-related injury that precludes the worker from returning to the job the worker held at the time of the injury.

(3) "I.W.R.P." means an individualized, written rehabilitation program prepared by the department of social and rehabilitation services.

(4) "Rehabilitation benefits" means benefits provided in [sections 59 through 61] and 39-71-1003.

(5) "Rehabilitation provider" means a rehabilitation counselor, other than the department of social and rehabilitation services, certified by the board for rehabilitation certification and designated by the insurer to the division.

(6) "Rehabilitation services" consists of a program of evaluation, planning, and delivery of goods and services to assist a disabled worker to return to work.

(7) (a) "Worker's job pool" means those jobs typically available for which a worker is qualified, consistent with the worker's age, education, vocational experience and aptitude and compatible with the worker's physical capacities and limitations as the result of the worker's injury. Lack of immediate job openings is not a factor to be considered.

(b) A worker's job pool may be either local or statewide, as follows:

(i) a local job is one either in a central city that has within its economically integrated geographical area a population of less than 50,000 or in a city with a population of more than 50,000 as determined by the division; or

(ii) a statewide job is one anywhere in the state of Montana.

Section 35. Section 39-71-1003, MCA, is amended to read:

"39-71-1003. Eligibility for vocational rehabilitation expenses ~~benefits under chapter not affected — other expenses payable. The eligibility of any injured worker to receive other benefits under the Workers' Compensation Act is in no way affected by his entrance upon a course of vocational rehabilitation as herein provided. A person undergoing vocational rehabilitation must be paid temporary total disability benefits. In addition thereto, he may be paid, upon the certification of the department of social and rehabilitation services from funds herein provided:~~

~~(1) his actual and necessary travel expenses from his place of residence to the place of training and return;~~

~~(2) his living expenses while in training in an amount not in excess of $50 per week; and~~

~~(3) his expenses for tuition, books, and necessary equipment in training.~~ Upon certification by the department of social and rehabilitation services, a disabled worker may be paid vocational rehabilitation expenses from funds provided in 39-71-1004, in addition to benefits payable under the Workers' Compensation Act."

NEW SECTION. Section 36. Rehabilitation goal and options. (1) The goal of rehabilitation services is to return a disabled worker to work, with a minimum of retraining, as soon as possible after an injury occurs.

(2) The first appropriate option among the following must be chosen for the worker:

(a) return to the same position;

(b) return to a modified position;

(c) return to a related occupation suited to the claimant's education and marketable skills;

(d) on-the-job training;

(e) short-term retraining program (less than 24 months);

(f) long-term retraining program (48 months maximum); or

(g) self-employment.

(3) Whenever possible, employment in a worker's local job pool must be considered and selected prior to consideration of employment in a worker's statewide job pool.

NEW SECTION. Section 37. Rehabilitation services — required and provided by insurers and the department of social and rehabilitation services. (1) Rehabilitation services are required for disabled workers and may be initiated by:

(a) an insurer by designating a rehabilitation provider and notifying the division;

(b) the division by requiring the insurer to designate a rehabilitation provider; or

(c) a disabled worker through a request to the division. The division shall then require the insurer to designate a rehabilitation provider.

(2) Rehabilitation services provided under this part must be delivered:

(a) through a rehabilitation counselor certified by the board of rehabilitation certification;

(b) by a vocational rehabilitation counselor employed by the department of social and rehabilitation services; or

(c) by both.

(3) A disabled worker served by the department of social and rehabilitation services may receive only those vocational rehabilitation services as provided in Title 53, chapter 7, parts 1 and 2.

NEW SECTION. Section 38. Designated rehabilitation provider — evaluation and report. (1) If a disabled worker is capable of returning to work, the designated rehabilitation provider shall evaluate and determine the return-to-work capabilities of the disabled worker pursuant to [section 36(2)(a) through 36(2)(d)].

(2) If an insurer's designated rehabilitation provider has determined that all appropriate services have been provided to the disabled worker under [section 36(2)(a) through 36(2)(d)] and the worker has returned to work, the insurer shall document that determination to the division.

(3) If the worker has not returned to work as provided in subsection (2), the insurer shall notify the division. The division shall then designate a rehabilitation panel as provided in [section 39] and refer the worker to the panel.

NEW SECTION. Section 39. Rehabilitation panels. (1) The division shall designate and administer rehabilitation panels. The purpose of a panel is to advise the division on a worker's eligibility for rehabilitation services. Each panel shall issue to the division a report as provided in [section 40].

(2) Each panel must be composed of at least:

(a) a representative of the department of social and rehabilitation services;

(b) a representative from the department who has expertise in job service listings, occupational supply and demand in Montana, and other Montana career information; and

(c) a representative from the division, who shall chair the panel.

(3) The division shall pay the cost of the panel.

(4) The insurer shall provide the panel with the worker's medical records, rehabilitation reports, and other pertinent information in its possession.

(5) The panel may consult with the worker, insurer, medical and rehabilitation providers, and any other person and may have access to any information it considers pertinent to carry out its responsibility.

(6) Information received by the panel is confidential, except that it may be disclosed to the worker, insurer, and division.

NEW SECTION. Section 40. Rehabilitation panel report. (1) The rehabilitation panel shall:

(a) review all records, statements, and other pertinent information; and

(b) prepare a report to the division, with copies to the insurer and worker.

(2) The report must:

(a) identify the first appropriate rehabilitation option by following the priorities set forth in [section 36]; and

(b) contain findings of why a higher listed priority, if any, is not appropriate.

(3) Depending on which option the panel identifies as appropriate, the report also must contain findings that:

(a) identify jobs in the local or statewide job pool and the worker's anticipated earnings from each job;

(b) describe an appropriate on-the-job training program, the worker's anticipated earnings, and anticipated insurer's contribution, if any;

(c) describe an appropriate retraining program, short- or long-term, the employment opportunities anticipated upon the worker's completion of the program, and the worker's anticipated earnings; or

(d) describe the worker's potential for specific self-employment, limitations the worker might have in such self-employment and any assistance necessary, and the worker's anticipated earnings.

(4) An insurer or a worker on his own motion may submit information to the panel prior to the time the panel issues its final report.

NEW SECTION. Section 41. Division's order of determination — exception — hearing. (1) The division shall issue an initial order of determination within 10 working days of receipt of a report from a rehabilitation panel. If the initial order of determination differs from the findings and recommendations of the panel, the order must state the reasons for the difference.

(2) Within 10 working days from the date the initial order of determination is mailed, a party may submit a written exception to the order. On its own motion or at the request of any party, the division shall conduct a hearing. The division shall issue a final order of determination within 20 working days of the hearing.

(3) If no party submits an exception within 10 working days, the initial order of determination becomes the final order of determination and must be issued by the division.

(4) Within 10 working days after the date of mailing of the division's final order of determination, an appeal may be taken to the workers' compensation court.

NEW SECTION. Section 42. Referral to department of social and rehabilitation services for retraining — benefits — appeals. (1) If in its final order of determination the division considers a worker able to return to work in the worker's job pool, the insurer is not liable for rehabilitation benefits, even though the worker independently may pursue a training program of the worker's own choice or seek vocational rehabilitation services from the department of social and rehabilitation services.

(2) If in its final order of determination the division finds the worker needs retraining, the division shall determine the maximum duration for which funds under 39-71-1003 may be used for rehabilitation services under [section 36(2)(d) through 36(2)(f)] and shall refer the worker to the department of social and rehabilitation services for a determination of vocational handicap.

(3) If the department of social and rehabilitation services determines that a disabled worker has a vocational handicap, the worker

is eligible for funds under 39-71-1003 up to the maximum duration established in the division's final order of determination.

(4) If a disabled worker seeks vocational rehabilitation services from the department of social and rehabilitation services without giving the insurer the opportunity to designate a rehabilitation provider or, subsequently, without giving the division the opportunity to designate a rehabilitation panel to provide a report, the insurer is not liable for rehabilitation benefits. The insurer may terminate rehabilitation and other benefits, if any, being received by the worker by following the procedure set forth in [section 49].

(5) The department of social and rehabilitation services, in providing rehabilitation services to a worker referred to it by the division, shall consider but is not bound by the rehabilitation panel report.

(6) If the department of social and rehabilitation services has determined that all appropriate rehabilitation services have been provided to a disabled worker, the department shall document that determination to the division.

(7) The appeal process before the board of social and rehabilitation services provided for in 53-7-106 is the exclusive remedy for a person aggrieved in the receipt of services provided by the department of social and rehabilitation services.

NEW SECTION. Section 43. Agreement between worker and insurer regarding option. A worker and an insurer may agree that an option in [section 36] is appropriate without following the procedures provided in this part. Failure to reach agreement is not a dispute under [section 8].

NEW SECTION. Section 44. Total rehabilitation benefits during period of rehabilitation services — limitation — termination. (1) A worker who no longer is temporarily totally disabled but meets the definition of a disabled worker may be eligible for total rehabilitation benefits.

(2) Eligibility for total rehabilitation benefits begins on the date of maximum healing or the date notice is given to the division by the insurer that a rehabilitation provider has been designated, whichever is later.

(3) Benefits must be paid at the disabled worker's temporary total disability rate for a period not exceeding 26 weeks from the date of eligibility, except that the division may extend the period for good cause. The insurer may extend the benefits without division approval but must notify the division of the extension.

(4) Total rehabilitation benefits under this section terminate when:

(a) a worker returns to work;

(b) a worker is qualified to return to work under the priorities in [section 36] pursuant to a division order; or

(c) an I.W.R.P. is submitted to the division by the department of social and rehabilitation services.

(5) The insurer shall provide written notice to the worker and division that benefits have been terminated.

NEW SECTION. Section 45. Wage supplement and partial rehabilitation benefits. (1) A worker who is in a rehabilitation program

under [section 42] in accordance with and for the maximum duration established by a final order of determination by the division is eligible to receive the following benefits:

(a) wage supplement benefits as provided in 39-71-703 but with the rate based on 66 ⅔% of the worker's actual wages received at the time of injury, subject to a maximum of one-half the state's average weekly wage; and

(b) a partial rehabilitation benefit that, together with the wage supplement provided in subsection (1)(a), provides the worker with weekly benefits equal to the worker's temporary total disability rate.

(2) After the worker completes the rehabilitation program, the worker's further eligibility, if any, for wage supplement benefits under 39-71-703 is reduced by the number of weeks of wage supplement benefits received under subsection (1)(a).

(3) Notwithstanding subsection (1)(a), beginning July 1, 1987, through June 30, 1989, the maximum weekly compensation benefit under that subsection may not exceed $149.50, which is one-half the state's weekly wage established July 1, 1986.

NEW SECTION. Section 46. Auxiliary rehabilitation benefits. In addition to benefits otherwise provided in this chapter, separate benefits not exceeding a $4,000 total may be paid by the insurer for:

(1) reasonable travel and relocation expenses used to:

(a) search for new employment;

(b) return to work but in a new location; and

(c) implement a rehabilitation program pursuant to a final order of determination by the division; and

(2) reasonable participation with an employer in an on-the-job training program.

NEW SECTION. Section 47. Self-employment — criteria. (1) A worker who is eligible for permanent total disability benefits may be eligible for a self-employment venture. A lump sum of $20,000 or less of permanent total disability benefits may be granted under 39-71-741 to assist the worker in the self-employment venture. Any previous lump-sum advance made under 39-71-741(4) must be considered so that the total amount of lump-sum payments of permanent total disability benefits does not exceed $20,000.

(2) In addition to meeting the requirements set forth in 39-71-741, the self-employment venture must be considered feasible under criteria set forth by the division.

(3) When the worker begins the self-employment venture, his eligibility for permanent total disability benefits ends and the worker may be eligible for permanent partial disability benefits under 39-71-703.

(4) If a worker again becomes eligible for permanent total disability benefits, the insurer may recoup any lump sum of permanent total disability benefits awarded for a self-employment venture, as provided in 39-71-741.

NEW SECTION. Section 48. Exchange of information. The department of social and rehabilitation services, the insurer's designated rehabilitation provider, and the division shall provide to one

another case information as necessary to carry out the purposes of this part.

NEW SECTION. Section 49. Termination of benefits for noncooperation with rehabilitation services — division hearing and appeal. (1) If an insurer believes a worker is refusing unreasonably to cooperate with the rehabilitation provider, the insurer, with 14 days' notice to the worker and division on a form approved by the division, may terminate any rehabilitation benefits the worker is receiving under this part until the worker cooperates. If the worker is receiving wage supplement benefits, those benefits must continue until the division's determination under subsection (3) is made.

(2) The worker may contest the insurer's termination of benefits by filing a written exception to the division within 10 working days after the date of the 14-day notice. The worker or insurer may request a hearing or the division may hold a hearing on its own motion. The division shall issue an order within 30 days of the hearing.

(3) If no exceptions are timely filed or the division determines the worker unreasonably refused to cooperate, the insurer may terminate wage loss supplement benefits the worker is receiving until the worker cooperates with the rehabilitation provider. If the worker prevails at a hearing before the division, it may award attorney fees and costs to the worker under 39-71-612.

(4) Within 10 working days after the division mails its order to the party's last-known address, a party may appeal to the workers' compensation court.

NEW SECTION. Section 50. Division jurisdiction over disputes under this part — appeals. In addition to pursuing the hearing opportunities provided in [sections 41 and 49], a party may bring a dispute arising under the provisions of this part, except for a dispute over which the department of social and rehabilitation services has jurisdiction under [section 42], before the division under the contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, and any rules promulgated by the division. Within 10 days after mailing of the division's final order, an interested party may appeal to the workers' compensation court.

Section 51. Section 39-71-2106, MCA, is amended to read:

"39-71-2106. Requiring security of employer. (1) The division may require any employer who elects to be bound by compensation plan No. 1 to provide a security deposit. Such security deposit may be a surety bond, government bond, or letter of credit approved by the division and must be the greater of:

(a) $250,000; or

(b) an average of the workers' compensation liabilities incurred by the employer in Montana for the past 3 calendar years.

~~(1)~~(2) If the division finds that an employer has lost his solvency or financial ability to pay the compensation herein provided to be paid which might reasonably be expected to be chargeable to the employer during the fiscal year to be covered by the permission or that the employer is an association, corporation, or organization of individual employers seeking permission to operate under compensation plan No. 1, the division must require the employer, before

granting to him permission or before continuing or engaging in such employment subject to the provisions of compensation plan No. 1, to give security for the payment of compensation, which security must be in such an amount as the division finds is reasonable and necessary to meet all liabilities of the employer which may reasonably and ordinarily be expected to accrue during the fiscal year.

~~(2)~~(3) The security must be deposited with the division and may be a certain estimated percent of the employer's last preceding annual payroll or a certain percent of the established amount of his annual payroll for the fiscal year; or the security may be in the form of a bond or undertaking executed to the division in the amount to be fixed by it with two or more sufficient sureties, which undertaking must be conditioned that the employer will well and truly pay or cause to be paid all sums and amounts for which the employer shall become liable under the terms of this chapter to his employees during the fiscal year; or such security may consist of any state, county, municipal, or school district bonds or the bonds or evidence of indebtedness of any individuals or corporations which the division deems solvent; and every such deposit and the character and amount of such securities shall at all times be subject to approval, revision, or change by the division as in its judgment may be required, and upon proof of the final payment of the liability for which such securities are given, such securities or any remaining part thereof shall be returned to the depositor.

~~(3)~~(4) The division is liable for the value and safekeeping of all such deposits or securities and shall, at any time, upon demand of a bondsman or the depositor, account for the same and the earnings thereof."

NEW SECTION. Section 52. Purpose. The purpose of [sections 52 through 57] is to prevent when possible the filing in the workers' compensation court of actions by claimants or insurers relating to claims under chapter 71 or 72 of this title if an equitable and reasonable resolution of the dispute may be effected at an earlier stage. To achieve this purpose, [section 52 though 57] provide for a procedure for mandatory, nonbinding mediation.

NEW SECTION. Section 53. Department authority — rules. (1) The department shall designate mediators and shall implement the provisions of [sections 52 though 57].

(2) The department may adopt the rules necessary to implement [sections 52 through 57]. The rules may prescribe:

(a) the qualifications of mediators; and

(b) a procedure for the conduct of mediation proceedings.

(3) The cost to the department of implementing [sections 52 through 57] must be paid out of the workers' compensation administration fund.

NEW SECTION. Section 54. Mandatory, nonbinding mediation. (1) Except as otherwise provided, in a dispute arising under chapter 71 or 72 of this title, the insurer and claimant shall mediate any issue concerning benefits and the mediator shall issue a report following the mediation process recommending a solution to the dispute before either party may file a petition in the workers' compensation court.

(2) The resolution recommended by the mediator is without administrative or judicial authority and is not binding on the parties.

NEW SECTION. Section 55. Duties of mediator. A mediator shall assist the parties in negotiating a resolution to their dispute by:

(1) facilitating an exchange of information between the parties;

(2) assuring that all relevant evidence is brought forth during the mediation process;

(3) suggesting possible solutions to issues of dispute between the parties;

(4) recommending a solution; and

(5) assisting the parties to voluntarily resolve their dispute.

NEW SECTION. Section 56. Limitations on mediation proceedings. (1) Mediation proceedings are:

(a) held in private;

(b) informal and held without a verbatim record; and

(c) confidential.

(2) All communications, verbal or written, from the parties to the mediator and any information and evidence presented to the mediator during the proceeding are confidential.

(3) A mediator's files and records are closed to all but the parties.

(4) (a) A mediator may not be called to testify in any proceeding concerning the issues discussed in the mediation process.

(b) Neither the mediator's report nor any of the information or recommendations contained in it are admissible as evidence in any action subsequently brought in any court of law.

(5) Notwithstanding subsections (1) through (4), a mediator may issue a report and the parties and the mediator may be required to attend a conference as set forth in [section 57].

NEW SECTION. Section 57. Mediation procedure. (1) Except as otherwise provided, a claimant or an insurer having a dispute relating to benefits under chapter 71 or 72 of this title may petition the department for mediation of the dispute.

(2) A party may take part in mediation proceedings with or without representation.

(3) The mediator shall review the division file for the case and may receive any additional documentation or evidence either party submits.

(4) The mediator shall request that each party offer argument summarizing the party's position. A party's argument must include the evidence the party would present if the case were being presented to the worker's compensation judge but is not limited by the rules of evidence.

(5) After the parties have presented all their information and evidence to the mediator, he shall recommend a solution to the parties within a reasonable time to be established by rule.

(6) A party shall notify the mediator within 45 days of the mailing of his report whether the party accepts the mediator's recommendation. If either party does not accept the mediator's recommendation,

the party may petition the workers' compensation court for resolution of the dispute.

(7) (a) If a mediator determines that either party failed to cooperate in the mediation process, the mediator shall prepare a written report setting forth the determination and the grounds for the determination. The report must be mailed to the parties and to the workers' compensation court. Unless a party disputes the determination as set forth in subsection (7)(c), the parties shall repeat the mediation process, but only one time.

(b) A mediator may determine that a party has failed to cooperate in the mediation process only if the party failed to:

(i) supply information or offer a summary of the party's position as reasonably requested by the mediator;

(ii) attend scheduled mediation conferences unless excused by the mediator; or

(iii) listen to and review the information and position offered by the opposing party.

(c) If a party disputes a mediator's determination that the party failed to cooperate in the mediation process, the party may file a petition with the workers' compensation court. Upon receipt of a petition, the court shall summon the parties and the mediator to determine by oral discussion whether the mediator's determination of noncooperation is supportable. If the court finds that the mediator's determination is supportable, the court may order the parties to attempt a second time to mediate their dispute.

Section 58. Section 39-71-2901, MCA, is amended to read:

"39-71-2901. Location of office — court powers. (1) The principal office of the workers' compensation judge shall be in the city of Helena.

(2) The workers' compensation court has power to:

(a) preserve and enforce order in its immediate the presence;

(b) provide for the orderly conduct of proceedings before it and its officers;

(c) compel obedience to its judgments, orders, and process in the same manner and by the same procedures as in civil actions in district court;

(d) compel the attendance of persons to testify; and

(e) punish for contempt in the same manner and by the same procedures as in district court."

Section 59. Section 39-71-2903, MCA, is amended to read:

"39-71-2903. Administrative procedure act and rules of evidence applicable — ~~judge not bound by rules of evidence~~. All proceedings and hearings before the workers' compensation judge shall be in accordance with the appropriate provisions of the Montana Administrative Procedure Act. ~~However, the~~ The workers' compensation judge is ~~not~~ bound by common law and statutory rules of evidence."

Section 60. Section 39-71-2905, MCA, is amended to read:

"39-71-2905. Petition to workers' compensation judge. A claimant or an insurer who has a dispute concerning any benefits under chapter 71 of this title may petition the workers' compensation judge for a determination of the dispute after satisfying dispute resolution requirements otherwise provided in this chapter. The judge, after a hearing, shall make a determination of the dispute in accordance with the law as set forth in chapter 71 of this title. If the dispute relates to benefits due a claimant under chapter 71, the judge shall fix and determine any benefits to be paid and specify the manner of payment. ~~The~~ After parties have satisfied dispute resolution requirements provided elsewhere in this chapter, the workers' compensation judge has exclusive jurisdiction to make determinations concerning disputes under chapter 71, except as provided in 39-71-516 and [section 20]. The penalties and assessments allowed against an insurer under chapter 71 are the exclusive penalties and assessments that can be assessed by the workers' compensation judge against an insurer for disputes arising under chapter 71."

Section 61. Section 39-71-2907, MCA, is amended to read:

"39-71-2907. Increase in award for unreasonable delay or refusal to pay. (1) When payment of compensation has been unreasonably delayed or refused by an insurer, either prior or subsequent to the issuance of an order by the workers' compensation judge granting a claimant compensation benefits, the full amount of the compensation benefits due a claimant, between the time compensation benefits were delayed or refused and the date of the order granting a claimant compensation benefits, may be increased by the workers' compensation judge by 20%. The question of unreasonable delay or refusal shall be determined by the workers' compensation judge, and such a finding constitutes good cause to rescind, alter, or amend any order, decision, or award previously made in the cause for the purpose of making the increase provided herein.

(2) A finding of unreasonableness under this section does not constitute a finding that the insurer acted in bad faith or violated the unfair trade practices provisions of Title 33, chapter 18."

Section 62. Section 39-71-2909, MCA, is amended to read:

"39-71-2909. Authority to review, diminish, or increase awards — limitation. The judge may, upon the petition of a claimant or an insurer that the disability of the claimant has changed, review, diminish, or increase, in accordance with the law on benefits as set forth in chapter 71 of this title, any benefits previously awarded by the judge ~~or benefits received by a claimant through settlement agreements. However, the judge may not change any final settlement or award of compensation more than 4 years after the settlement has been approved by the division or any order approving a full and final compromise settlement of compensation~~."

NEW SECTION. Section 63. Signing of petitions, pleadings, motions, and other papers — requirements — sanctions. (1) Every petition, pleading, motion, or other paper of a party appearing before the workers' compensation court and represented by an attorney must be signed by at least one attorney of record in his individual name. The signer's address also must be stated.

(2) A party who is not represented by an attorney shall sign his petition, pleading, motion, or other paper and state his address.

(3) The signature of an attorney or party constitutes a certificate by him that:

(a) he has read the petition, pleading, motion, or other paper;

(b) to the best of his knowledge, information, and belief formed after reasonable inquiry, it is well grounded in fact;

(c) it is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law; and

(d) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(4) If a petition, pleading, motion, or other paper is signed in violation of this section, the court, upon motion or upon its own initiative, shall impose an appropriate sanction upon the person who signed it, a represented party, or both. The sanction may include an order to pay to the other party or parties the amount of the reasonable expense incurred because of the filing of the petition, pleading, motion, or other paper, including reasonable attorney fees.

Section 64. Section 39-72-102, MCA, is amended to read:

"39-72-102. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Beneficiary" is as defined in 39-71-116~~(2)~~.

(2) "Child" is as defined in 39-71-116~~(4)~~.

(3) "Disablement" means the event of becoming physically incapacitated by reason of an occupational disease from performing work in the ~~normal labor market~~ worker's job pool. Silicosis, when complicated by active pulmonary tuberculosis, is presumed to be total disablement. "Disability", "total disability", and "totally disabled" are synonymous with "disablement", but they have no reference to "~~partial~~ permanent partial disability".

(4) "Division" is as defined in 39-71-116~~(5)~~.

(5) "Employee" is as defined in 39-71-118.

(6) "Employer" is as defined in 39-71-117.

~~(7) "Husband" is as defined in 39-71-116(7).~~

~~(8)~~(7) "Independent contractor" is as defined in 39-71-120.

~~(9)~~(8) "Insurer" is as defined in 39-71-116~~(8)~~.

~~(10)~~(9) "Invalid" is as defined in 39-71-116~~(9)~~.

~~(11)~~(10) "Occupational disease" means ~~all diseases arising out of or contracted from and in the course of employment~~ harm as defined in 39-71-119(1) arising out of or contracted in the course and scope of employment but which is caused by events occurring on more than a single day or work shift. The term does not include a physical or mental condition arising from emotional or mental stress or from a nonphysical stimulus or activity.

~~(12)~~(11) "Order" is as defined in 39-71-116~~(10)~~.

~~(13)~~(12) "Pneumoconiosis" means a chronic dust disease of the lungs arising out of employment in coal mines and includes anthracosis,

coal workers' pneumoconiosis, silicosis, or anthracosilicosis arising out of such employment.

~~(14)~~(13) "Silicosis" means a chronic disease of the lungs caused by the prolonged inhalation of silicon dioxide (SiO SB2) and characterized by small discrete nodules of fibrous tissue similarly disseminated throughout both lungs causing the characteristic x-ray pattern and by other variable clinical manifestations.

~~(15)~~(14) "Wages" is as defined in ~~39-71-116(20)~~ [section 4].

~~(16) "Wife" is as defined in 39-71-116(21).~~

~~(17)~~(15) "Year" is as defined in 39-71-116~~(6)~~(8) and 39-71-116(22)."

Section 65. Section 45-6-301, MCA, is amended to read:

"45-6-301. Theft. (1) A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control over property of the owner and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or

(c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

(2) A person commits the offense of theft when he purposely or knowingly obtains by threat or deception control over property of the owner and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or

(c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

(3) A person commits the offense of theft when he purposely or knowingly obtains control over stolen property knowing the property to have been stolen by another and:

(a) has the purpose of depriving the owner of the property;

(b) purposely or knowingly uses, conceals, or abandons the property in such manner as to deprive the owner of the property; or

(c) uses, conceals, or abandons the property knowing such use, concealment, or abandonment probably will deprive the owner of the property.

(4) A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control over any part of any public assistance provided under Title 53 by a state or county agency, regardless of the original source of assistance, by means of:

(a) a knowingly false statement, representation, or impersonation; or

(b) a fraudulent scheme or device.

(5) A person commits the offense of theft when he purposely or knowingly obtains or exerts unauthorized control over any part of any benefits provided under Title 39, chapters 71 and 72, by means of:

(a) a knowingly false statement, representation, or impersonation; or

(b) deception or other fraudulent action.

~~(5)~~(6) A person convicted of the offense of theft of property not exceeding $300 in value shall be fined not to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both. A person convicted of the offense of theft of property exceeding $300 in value or theft of any commonly domesticated hoofed animal shall be fined not to exceed $50,000 or be imprisoned in the state prison for any term not to exceed 10 years, or both.

~~(6)~~(7) Amounts involved in thefts committed pursuant to a common scheme or the same transaction, whether from the same person or several persons, may be aggregated in determining the value of the property."

Section 66. Section 19-12-401, MCA, is amended to read:

"19-12-401. Eligibility for pension benefits. In order to qualify for participation in the volunteer firefighters' pension plan under 19-12-404, a volunteer firefighter must meet each of the following requirements:

(1) (a) To qualify for full participation, he must have completed a total of at least 20 years' service as an active volunteer firefighter and as an active member of a qualified volunteer fire company.

(b) If a firefighter is prevented from completing at least 20 years' service by dissolution or discontinuance of his volunteer fire company, personal relocation due to transfer or loss of employment, personal disability, or any other factor beyond his reasonable control, he may qualify for partial participation if he has completed at least 10 years' service. In that event, he is eligible for only a proportion of the benefits specified in 19-12-404, determined by multiplying the benefits by a fraction, the numerator of which is the number of years of active service completed and the denominator of which is 20.

(c) The years of active service are cumulative and need not be continuous. The service need not be acquired with one single fire company but may be a total of separate periods of active service with different fire companies in different fire districts.

(d) Effective March 1, 1965, the annual period of service for the purpose of this chapter is the fiscal year. No fractional part of any year may count toward the service requirement, and to receive credit for any particular year, a volunteer firefighter must serve with one particular volunteer fire company throughout that entire fiscal year.

(2) (a) Except as provided in subsection (2)(b), he must have attained the age of 55, but he need not be an active volunteer firefighter or an active member of any volunteer fire company when he reaches that age.

(b) An active member of a volunteer fire company whose duty-related injury results in a permanent~~,~~ total disability as defined in

39-71-116~~(13)~~ is eligible to receive a partial pension regardless of his age calculated as follows:

(i) for a member with less than 10 years of service, a pension calculated as provided in subsection (1)(b) in which the numerator equals 10; or

(ii) for a member with 10 years or more of service, a pension calculated as provided in subsection (1)(b).

(3) During each of the years for which he claims credit under subsection (1), he must have completed a minimum of 30 hours of instruction in matters pertaining to firefighting under a program formulated and supervised by the chief or foreman of his volunteer fire company.

(4) Effective July 1, 1965, no volunteer firefighter may receive credit for any year of membership in a volunteer fire company unless, throughout the year:

(a) the company maintained firefighting equipment in serviceable condition of a value of $2,500 or more; and

(b) the company or the fire district served by it was rated in class 5, 6, 7, 8, 9, or 10 by the board of fire underwriters for the purpose of fire insurance premium rates.

(5) He must have ceased to be an active member of any volunteer fire company, and if he applies for and receives pension benefits hereunder, he will not thereafter be eligible to become an active member of any volunteer fire company."

Section 67. Section 39-71-118, MCA, is amended to read:

"39-71-118. Employee, worker, and workman defined. (1) The terms "employee", "workman", or "worker" mean:

(a) each person in this state, including a contractor other than an independent contractor, who is in the service of an employer, as defined by 39-71-117, under any appointment or contract of hire, expressed or implied, oral or written. The terms include aliens and minors, whether lawfully or unlawfully employed, and all of the elected and appointed paid public officers and officers and members of boards of directors of quasi-public or private corporations while rendering actual service for such corporations for pay. Casual employees as defined by 39-71-116~~(3)~~ are included as employees if they are not otherwise covered by workers' compensation and if an employer has elected to be bound by the provisions of the compensation law for these casual employments, as provided in 39-71-401(2). Household or domestic service is excluded.

(b) a recipient of general relief who is performing work for a county of this state under the provisions of 53-3-303 through 53-3-305 and any juvenile performing work under authorization of a district court judge in a delinquency prevention or rehabilitation program;

(c) a person receiving on-the-job vocational rehabilitation training or other on-the-job training under a state or federal vocational training program, whether or not under an appointment or contract of hire with an employer as defined in this chapter and whether or not receiving payment from a third party. However, this subsection does not apply to students enrolled in vocational training programs as

outlined above while they are on the premises of a public school or community college.

(d) students enrolled and in attendance in programs of vocational-technical education approved by the state board of public education at designated postsecondary vocational-technical centers; or

(e) an airman or other person employed as a volunteer under 67-2-105.

(2) If the employer is a partnership or sole proprietorship, such employer may elect to include as an employee within the provisions of this chapter any member of such partnership or the owner of the sole proprietorship devoting full time to the partnership or proprietorship business. In the event of such election, the employer must serve upon the employer's insurer written notice naming the partners or sole proprietor to be covered, and no partner or sole proprietor shall be deemed an employee within this chapter until such notice has been given. For premium ratemaking and for the determination of weekly wage for weekly compensation benefits, the insurance carrier shall assume a salary or wage of such electing employee to be not less than $900 a month and not more than 1 ½ times the average weekly wage as defined in this chapter."

NEW SECTION. Section 68. Repealer. Sections 39-71-104, 39-71-121, 39-71-122, 39-71-410, 39-71-705 through 39-71-707, 39-71-709, 39-71-738, 39-71-914, 39-71-1001, 39-71-1002, 39-71-1005, 39-71-2906, 39-71-2908, and 39-72-104, MCA, are repealed.

NEW SECTION. Section 69. Extension of authority. Any existing authority of the department of labor and industry and the division of workers' compensation to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 70. Codification instructions. (1) Sections 1 and 4 are intended to be codified as an integral part of Title 39, chapter 71, part 1, and the provisions of Title 39, chapter 71, part 1, apply to sections 1 and 4.

(2) Sections 7 and 20 are intended to be codified as an integral part of Title 39, chapter 71, part 3, and the provisions of Title 39, chapter 71, part 3, apply to sections 7 and 20.

(3) Section 9 is intended to be codified as an integral part of Title 39, chapter 71, part 4, and the provisions of Title 39, chapter 71, part 4, apply to section 9.

(4) Sections 24 and 28 are intended to be codified as an integral part of Title 39, chapter 71, part 7, and the provisions of Title 39, chapter 71, part 7, apply to sections 24 and 28.

(5) Sections 34 and 36 through 50 are intended to be codified as an integral part of Title 39, chapter 71, part 10, and the provisions of Title 39, chapter 71, part 10, apply to sections 34 and 36 through 50.

(6) Section 63 is intended to be codified as an integral part of Title 39, chapter 71, part 29, and the provisions of Title 39, chapter 71, part 29, apply to section 63.

NEW SECTION. Section 71. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of

its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 72. Applicability. (1) The portions of this act providing procedures for resolution of disputes apply to all injuries and diseases, regardless of the date of occurrence.

(2) Sections 41, 49, and 50, giving the division of workers' compensation jurisdiction over disputes arising under Title 39, chapters 71 and 72, concerning rehabilitation, apply only to injuries and diseases occurring after June 30, 1987. Disputes over rehabilitation for injuries and diseases occurring prior to July 1, 1987, may be brought before a mediator and the workers' compensation court.

(3) The remaining portions of this act apply only to injuries, diseases, and events occurring after June 30, 1987.

NEW SECTION. Section 73. Effective dates. (1) Except as provided in subsection (2), this act is effective July 1, 1987.

(2) Sections 5, 53, 69, and this section are effective on passage and approval."

Committee adopted the following statement of intent:

Statement of Intent
SB 315

A statement of intent is required for this bill because of the following:

The division of workers' compensation needs to adopt rules to efficiently and fairly implement the Workers' Compensation Act. There are numerous references throughout the act to rules, rates, procedures, and forms to be prescribed by the division (e.g., 39-71-208, 39-71-307, 39-71-410, 39-71-604, 39-71-2102, 39-71-2303, and 39-71-2304). However, there is no explicit statutory grant of rulemaking authority in the chapter.

The Montana supreme court, in Garland v. The Anaconda Company, 177 Mont. 240, 581 P.2d 431 (1978), tacitly recognized 39-71-203 as a general grant of rulemaking authority. To preserve the division's rulemaking authority and extend it to the amendments promulgated in this bill, the legislature explicitly grants and extends rulemaking authority to the division to implement the Workers' Compensation Act.

The division may adopt rules as necessary to implement the act. The division shall provide the rules, procedures, and forms specifically referred to in sections of the act and implement other sections as necessary and appropriate by providing specific guidelines, policies, and procedures to serve the efficient and fair administration of the act.

And, as amended, do pass. Report adopted.

SB 359, introduced bill, be amended as follows:

1. Title, lines 4 through 6.
Following: "AN ACT"
Strike: remainder of line 4 through "," on line 6
Insert: "TO AMEND SECTIONS 39-3-402 AND 39-3-408, MCA,"

2. Title, line 8.
Following: "ACT"
Strike: ","

3. Title, lines 9 and 10.
Following: ";"
Strike: remainder of line 9 through ";" on line 10

Following: "PROVIDING"
Insert: "A DELAYED"
Following: "EFFECTIVE"
Strike: "DATES"
Insert: "DATE"

4. Page 2, line 22 through page 4, line 3.
Strike: section 2 in its entirety
Renumber: subsequent sections

5. Page 4, line 5.
Following: "cumulative."
Insert: "(1)"

6. Page 4, lines 9 and 10.
Following: "except"
Strike: remainder of lines 9 and 10 in their entirety
Insert: "as provided in subsection (2).

(2) Sections 39-3-402 and 39-3-404 shall apply to an employee covered by the Fair Labor Standards Act if state law provides a minimum wage that is higher than the minimum wage established under federal law."

7. Page 4, lines 11 through 14.
Strike: section 4 in its entirety
Renumber: subsequent sections

8. Page 4, line 19 through line 1, page 5.
Strike: sections 6 and 7 in their entirety
Insert: "NEW SECTION. Section 4. Effective date. This act is effective January 1, 1988."

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/21/87

SB 351, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Following: "AUTHORIZING THE"
Strike: "ENVIRONMENTAL QUALITY COUNCIL"
Insert: "DIRECTOR OF THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES"

2. Page 7, line 8.
Strike: "environmental quality council"
Insert: "director of the department of health and environmental sciences"

And, as amended, do pass. Report adopted.

SB 353, introduced bill, be amended as follows:

1. Title, line 7.
Following: "SECTIONS"
Strike: "17-7-502 AND 33-22-111"
Insert: "33-1-102 AND 33-1-704"

2. Title, line 8.
Strike: "IMMEDIATE"

3. Page 2.
Following: line 3

Insert: "(f) care and treatment of mental illness, alcoholism, and drug addiction;"
Renumber: subsequent subsections

4. Page 4.
Following: line 9
Insert: "(12) "Plan" means a health maintenance organization operated by an insurer or health service corporation as an integral part of the corporation and not as a subsidiary."
Renumber: subsequent subsections

5. Page 5, lines 14 and 15.
Following: "30 days"
Strike: "of [the effective date of this act]"
Insert: "after the effective date of rules adopted by the commissioner and the department of health as provided in [section 20]"

6. Page 8, lines 16 through 22.
Strike: subsection (viii) in its entirety
Renumber: subsequent subsections

7. Page 10, lines 19 through 24.
Strike: subsection (xvi) in its entirety
Renumber: subsequent subsections

8. Page 11, line 23.
Following: "may"
Insert: ", after notice and hearing,"

9. Page 13, lines 5 and 6.
Following: "health care"
Strike: "processes and outcomes"
Insert: "availability, accessibility, and continuity of service"

10. Page 13, line 14.
Following: "Within"
Strike: "90"
Insert: "60"

11. Page 13, line 19.
Following: "shall"
Insert: ", after notice and hearing,"

12. Page 14, line 3.
Following: "initial"
Strike: "90-day"
Insert: "60-day"

13. Page 14, lines 12 and 13.
Following: "competent"
Strike: remainder of line 12 through "reputation" on line 13
Insert: "and trustworthy"

14. Page 15, lines 24 and 25.
Following: "investigation,"
Strike: "is contrary to the public interest"
Insert: "violates any provision of [sections 1 through 29] or rules adopted by the commissioner or the department of health"

15. Page 22, line 8.
Following: "provision"
Strike: "offering"
Insert: "requiring"

16. Page 26, line 5.
Strike: "Each"
Insert: "Unless it is operated by an insurer or a health service corporation as a plan, each"

17. Page 26, line 23.
Following: "may"
Insert: ", after notice and hearing,"

18. Page 27, line 6.
Following: "through 29]"
Insert: ", including but not limited to a statement of operations, transactions, and affairs of a health maintenance organization operated by an insurer or a health service corporation as a plan"

19. Page 27, line 9.
Strike: "promptly"
Following: "enrollees"
Strike: "notice"
Insert: "30 days' advance notice in writing"

20. Page 29, lines 4 and 5.
Following: "prescribed in"
Strike: "rules adopted by the commissioner"
Insert: "Title 33, chapter 2, part 8"

21. Page 33, line 7.
Following: "(9)"
Strike: "Each"
Insert: "Unless it is operated by an insurer or a health service corporation as a plan, each"

22. Page 34, lines 1 through 5.
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

23. Page 35, line 25.
Following: "organization;"
Strike: "or"

24. Page 35.
Following: line 25
Insert: "(e) has violated rules of the health maintenance organization stated in the evidence of coverage;

(f) has violated rules adopted by the commissioner for enrollment in a health maintenance organization; or"
Renumber: subsequent subsection

25. Page 36, lines 20 and 21.
Strike: "except failure to pay required premiums"
Insert: "not listed in subsection (3) or provided in rules adopted by the commissioner"

26. Page 36, line 25.
Following: "period of"
Strike: "36"
Insert: "12"

27. Page 37, line 8.
Strike: "except failure to pay required premiums"
Insert: "not listed in subsection (3) or provided in rules adopted by the commissioner"

28. Page 40, line 12.
Following: "examine the"
Strike: "quality"
Insert: "availability, accessibility, and continuity"

29. Page 43, line 2.
Following: "director"
Insert: ", after notice and hearing,"

30. Page 47, line 3.
Following: "(3)"
Strike: remainder of subsection (3) in its entirety
Insert: "Where notice and hearing are required with regard to actions taken by the commissioner under [sections 1 though 29], the requirements of 33-1-314 through 33-1-316 and Title 33, chapter 1, part 7, apply, except that the formal rules of pleading and evidence must be observed. To the extent that 33-1-314 through 33-1-316 and Title 33, chapter 1, part 7, do not address the notice and hearing requirements of [sections 1 through 29], the provisions of Title 2, chapter 4, parts 6 and 7, apply.

(4) Where notice and hearing are required with regard to actions taken by the director under [sections 1 through 29], the provisions of Title 2, chapter 4, parts 6 and 7, apply."

31. Page 47, lines 21 through 24.
Following: "functions"
Strike: ", other than examinations,"
Following: "chapter."
Strike: remainder of subsection (3) in its entirety
Insert: "These fees must be deposited in the general fund."

32. Page 48.
Following: line 2
Insert: "after notice and hearing,"

33. Page 48, lines 8 through 11.
Following: "citation."
Strike: remainder of subsection (1) in its entirety

34. Page 48, line 12.
Following: "(2)"
Strike: "(a)"
Renumber: subsections (i) through (iii) as (a) through (c)

35. Page 48, line 25, through line 6 on page 49.
Strike: subsection (b) in its entirety

36. Page 52, line 6.
Following: "accepted"
Insert: "or rejected"

37. Page 53, lines 5 through 18.
Strike: subsection (1) in its entirety

38. Page 53, line 19.
Strike: "(2)"
Following: "state"
Insert: "that offers its employees the option to enroll in a health maintenance organization and an employee benefit fund in this state that offers its members the option to enroll in a health maintenance organization"

39. Page 53, lines 20 and 21.
Following: "benefits"
Strike: "as a result of the application of this section"
Insert: "provided by the health maintenance organization"

40. Page 54, lines 2 and 4.
Strike: "(a)" and "(b)"
Insert: "(1)" and "(2)" respectively

41. Page 54, line 7, through line 7, page 58.
Strike: sections 30 and 31 in their entirety
Insert: "Section 30. Section 33-1-102, MCA, is amended to read:

"33-1-102. Compliance required — exceptions — health service corporations. (1) No person shall transact a business of insurance in Montana or relative to a subject resident, located, or to be performed in Montana without complying with the applicable provisions of this code.

(2) No provision of this code shall apply with respect to:

(a) domestic farm mutual insurers as identified in chapter 4, except as stated in chapter 4;

(b) domestic benevolent associations as identified in chapter 6, except as stated in chapter 6; and

(c) fraternal benefit societies, except as stated in chapter 7.

(3) This code shall not apply to health service corporations to the extent that the existence and operations of such corporations are authorized by Title 35, chapter 2, and related sections of the Montana Code Annotated.

(4) This code does not apply to health maintenance organizations to the extent that the existence and operations of such organizations are authorized by [sections 1 through 29]."

Section 31. Section 33-1-704, MCA, is amended to read:

"33-1-704. Hearing procedure. (1) All hearings shall be open to the public unless closed pursuant to the provisions of 2-3-203.

(2) The commissioner shall allow any party to the hearing to appear in person and by counsel, to be present during the giving of all evidence, to have a reasonable opportunity to inspect all documentary evidence and to examine witnesses, to present evidence in support of his interest, and to have subpoenas issued by the commissioner to compel attendance of witnesses and production of evidence in his behalf.

(3) The commissioner shall permit to become a party to the hearing by intervention, if timely, any person who was not an original party thereto and whose pecuniary interests will be directly and immediately affected by the commissioner's order made upon the hearing.

(4) ~~Formal~~ Except as provided in [section 21], rules of pleading or evidence need not be observed at any hearing.

(5) Upon written request seasonably made by a party to the hearing and at that person's expense, the commissioner shall cause a full stenographic record of the proceedings to be made by a competent reporter. If transcribed, a copy of such stenographic record shall be furnished to the commissioner without cost to the commissioner or

the state and shall be a part of the commissioner's record of the hearing. If so transcribed, a copy of such stenographic record shall be furnished to any other party to such hearing at the request and expense of such other party. If no stenographic record is made or transcribed, the commissioner shall prepare an adequate record of the evidence and of the proceedings.""

41. Page 58, lines 15 and 16.
Following: "applicability."
Strike: "This act is"
Insert: "Section 20 and this section are"
Strike: "and" on line 16
Insert: ". This act"

Committee adopted the following statement of intent:

Statement of Intent
SB 353

A statement of intent is required for this bill because: (1) it authorizes the commissioner of insurance of the state of Montana (commissioner) and the department of health and environmental sciences to adopt, after notice and hearing, reasonable rules necessary or proper to effectuate sections 1 through 29;

(2) section 3 authorizes the commissioner to make reasonable rules exempting a health maintenance organization from having to file a notice with the commissioner describing material modifications of information required in an application for a certificate of authority if the commissioner considers the information unnecessary; and

(3) section 5 authorizes the commissioner to make reasonable rules exempting a health maintenance organization from having to file a notice with the commissioner before exercising the powers granted in subsection (1)(a), (1)(b), or (1)(d) if the commissioner believes exercising those powers will have de minimis effect. The legislature expects the commissioner to make only reasonable rules necessary to effectuate or aid the effectuation of sections 1 through 29. The legislature does not authorize the commissioner to adopt rules that extend, modify, or conflict with either any law of this state or any reasonable implications of those laws. If reasonably possible, the commissioner shall set forth a proposed rule or amendment to a rule in or with the required notice of hearing. No rule or amendment to a rule by the commissioner is effective until it has been on file in the commissioner's office for at least 10 days.

In adopting rules prescribing investment regulations, the commissioner shall use the NAIC Model Health Maintenance Organization Investment Guidelines.

The commissioner and the department are urged to look to regulations adopted by the state of Minnesota in implementing chapter 62D of the Minnesota insurance code.

And, as amended, do pass. Report adopted.

SB 371, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Following: "INCENTIVES"
Strike: "OR LIMIT REIMBURSEMENT"

2. Title, line 9.
Strike: "IMMEDIATE"

2a. Page 1, lines 12 and 15.

Strike: "4"
Insert: "5"

3. Page 1.
Following: line 15
Insert: "(1) "Emergency services" means services provided after suffering an accidental bodily injury or the sudden onset of a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) that without immediate medical attention the subscriber or insured could reasonably expect that:

(a) his health would be in serious jeopardy;

(b) his bodily functions would be seriously impaired; or

(c) a bodily organ or part would be seriously damaged.

(2) "Health benefit plan" means the health insurance policy or subscriber arrangement between the insured or subscriber and the health care insurer that defines the covered services and benefit levels available."
Renumber: subsequent subsections

3a. Page 2, line 23.
Strike: "4"
Insert: "5"

4. Page 2, lines 15 and 16.
Strike: ": (i)"

5. Page 2, line 18.
Strike: "; or"
Insert: "."

6. Page 2, lines 19 through 22.
Strike: subsection (ii) in its entirety
Insert: "(2) A preferred provider arrangement issued or delivered in this state may not unfairly deny health benefits for medically necessary covered expenses."
Renumber: subsequent subsection

7. Page 3, line 1.
Insert: "Section 4. Incentives in health benefit plans. (1) A health care insurer may issue a policy or a health benefit plan that provides for incentives for covered persons to use the health care services of preferred providers.

(2) The policy or health benefit plan must contain at least a provision that if a covered person receives emergency care for services specified in the preferred provider arrangement and cannot reasonably reach a preferred provider, the care rendered during the course of the emergency will be reimbursed as though the covered person had been treated by a preferred provider.

Section 5. Permissible provisions in provider arrangements, insurance policies, and subscriber contracts. (1) A provider arrangement, insurance policy, or subscriber contract issued or delivered in this state may contain certain other components designed to control the cost and improve the quality of health care for policyholders and subscribers, including:

(a) a payment differential of not more than 25% between use of providers with arrangements with the health care insurer and use of

providers without such arrangements. The commissioner may by rule determine appropriate differentials between copayments, deductibles, and other cost-sharing arrangements.

(b) conditions, not inconsistent with other provisions of [sections 1 through 6], designed to give policyholders or subscribers an incentive to choose a particular provider.

(2) All terms or conditions of a provider arrangement, insurance policy, or subscriber contract are subject to the prior approval of the commissioner."

Renumber: subsequent sections

8. Page 3, line 5.
Strike: "section 3(1)(b)(ii)"
Insert: "sections 1 through 6"

9. Page 3, line 7.
Following: "through"
Strike: "4"
Insert: "6"

10. Page 3, line 9.
Following: "through"
Strike: "4"
Insert: "6"

11. Page 3, line 16.
Following: "date."
Strike: "This act is"
Insert: "Section 6 and this section are"

Committee adopted the following statement of intent:

Statement of Intent
SB 371

A statement of intent is required for this bill because section 6 authorizes the commissioner of insurance to promulgate rules prescribing reasonable standards relating to the accessibility and availability of health care services for persons insured under policies or contracts described in section 3. The legislature intends that the rules adopted to implement this bill be designed to:

(1) foster accessibility and availability of health care services; and

(2) protect Montana health care insurance consumers.

The legislature further intends that the commissioner adopt rules to implement this act in accordance with 33-1-313, which permits the commissioner:

(1) to make only reasonable rules that do not extend, modify, or conflict with any law of this state or with any reasonable implication of such law; and

(2) to make or amend those rules only after a hearing of which notice has been given as required by 33-1-703.

And, as amended, do pass. Report adopted.

MOTIONS

Senator Jergeson moved that the Senate temporarily suspend the temporary rules in order to place SB 321 on third reading this legislative day. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Blaylock, Brown, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman,

Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Smith, Thayer, Tveit.
Total 19

Excused: Bengtson, Hager.
Total 2

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 123, introduced by Bradley, Lory, Giacometto, Spaeth. Referred to Committee on Judiciary.

HB 236, introduced by Addy. Referred to Committee on Judiciary.

HB 246, introduced by Cobb. Referred to Committee on Natural Resources.

HB 322, introduced by Eudaily, Mercer, Addy (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.

HB 327, introduced by Bulger. Referred to Committee on Public Health, Welfare, and Safety.

HB 365, introduced by Peck, Schye, Miller, Bardanouve, Donaldson, Winslow (By Request of the Legislative Finance Committee). Referred to Committee on Education and Cultural Resources.

HB 416, introduced by Donaldson (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare, and Safety.

HB 431, introduced by Phillips, DeMars, Strizich. Referred to Committee on Fish and Game.

HB 501, introduced by Cody. Referred to Committee on Judiciary.

HB 503, introduced by Bradley, Winslow. Referred to Committee on Judiciary.

HB 509, introduced by Schye, Brandewie (By Request of the Aeronautics Division of the Department of Commerce). Referred to Committee on Judiciary.

HB 558, introduced by Gould, Mercer, Darko, Campbell, Manning, Iverson, Gilbert, Ellison, Stang, Peterson, Wallin, Hayne, Giacometto, Jones, Addy, DeMars, C. Smith, Lory, Bulger, Quilici, Fritz, Daily, Glaser, Swysgood, Brandewie, B. Brown, Hager, Rasmussen (By Request of the Department of Justice). Referred to Committee on Judiciary.

HB 576, introduced by Eudaily, Nelson. Referred to Committee on Education and Cultural Resources.

HB 580, introduced by Swysgood, Campbell, Brandewie, Stang, Miller, Harp, Grady, Menke, Tveit, Harper, McCormick, Anderson, Farrell. Referred to Committee on Highways and Transportation.

HB 587, introduced by Darko. Referred to Committee on Local Government.

HB 590, introduced by Strizich, Walker, O'Connell, Addy, Meyer, Squires, Phillips, Giacometto, Poulsen, Pistoria, Cody, Nisbet, Manning, Miles, Harper, DeMars, Bulger, Manuel. Referred to Committee on Judiciary.

HB 598, introduced by Rapp-Svrcek, Mercer, Miles, Van Valkenburg, Cobb, Crippen, Regan, Pinsoneault, D. Brown, Darko. Referred to Committee on Judiciary.

HB 605, introduced by J. Brown, Russell (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Judiciary.

HB 634, introduced by Ellison. Referred to Committee on Taxation.

HB 637, introduced by Winslow. Referred to Committee on Public Health, Welfare, and Safety.

HB 641, introduced by Menahan, Keenan, Daily, Miller. Referred to Committee on Public Health, Welfare, and Safety.

HB 647, introduced by Bulger. Referred to Committee on Public Health, Welfare, and Safety.

HB 664, introduced by Ramirez, Spaeth. Referred to Committee on Judiciary.

HB 674, introduced by Mercer. Referred to Committee on Public Health, Welfare, and Safety.

HB 679, introduced by Keenan, Miles, Strizich, Menahan, Stratford, D. Brown, Bradley, Nathe, Winslow. Referred to Committee on Judiciary.

HB 682, introduced by Spaeth, McLane, Stang, Giacometto, Asay, Keller, Abrams, E. Smith. Referred to Committee on Education and Cultural Resources.

HB 689, introduced by Swift, Rehberg, C. Smith, Jones, Manuel, Driscoll, Hannah, Hoffman, Severson, Blaylock, Marks. Referred to Committee on Labor and Employment Relations.

HB 690, introduced by Glaser, Brandewie. Referred to Committee on Public Health, Welfare, and Safety.

HB 691, introduced by Bradley, Neuman, E. Smith. Referred to Committee on Business and Industry.

HB 697, introduced by Connelly, Lybeck, Vincent, Moore, Sales, Lory, Bradley, Harding. Referred to Committee on Local Government.

HB 706, introduced by D. Brown. Referred to Committee on State Administration.

HB 720, introduced by Spaeth, Addy, Mazurek, Crippen, Manuel, Marks, Bradley, Cobb, Ramirez. Referred to Committee on Business and Industry.

HB 722, introduced by Cobb. Referred to Committee on Local Government.

HJR 8, introduced by Fritz, Raney, Spaeth, Harp, Koehnke. Referred to Committee on Business and Industry.

HJR 27, introduced by Phillips, Thayer, O'Connell, Poulsen, Marks, Meyer, Nathe, Roth, Kolstad, McLane, Campbell, McCormick, Driscoll, Devlin, Manuel, Neuman, Hanson, Patterson, Anderson, Meyers, Eudaily, Thoft, Gould, Wallin, Lory, C. Smith, Jones, E. Smith, Thomas, DeMars, Holliday, Simon, Boylan, Crippen, Galt, Hager, Donaldson, Asay, Winslow, Hannah, Gilbert, Giacometto, Hayne, Brandewie, Peterson, Menke, Jenkins, Switzer, Mercer, Sands, Ellison, Keller, Harp, Kitselman, Hoffman, Keating, Quilici, Rehberg, Manning, Lynch, Hirsch, Severson, Swift, Walker, B. Williams, Farrell, Gage, Tveit, Miller, Iverson, Compton, Nelson, Hammond, Harding, Pavlovich, Daily, Nisbet, Pistoria, Sales, Stratford, Bachini, Glaser, Strizich, Beck. Referred to Committee on Business and Industry.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 10:00 a.m., February 23, 1987.

Motion carried.

Senate adjourned at 5:32 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

[illegible]

[illegible] Referred to [illegible]

Sebby, Chippen, Regan

Evans, Hoel on Jackman

[illegible] Matthews

[illegible]

HB 6[illegible], introduced

HB 6[illegible]7, introduced by Willi[illegible]

Health, Welfare, and Safety.

HB 6[illegible]1, introduced by Meeghan, Keenan, Daley, [illegible]

Committee on Public Health, Welfare, and Safety.

HB 6[illegible]7, introduced by Bulger. Referred to Committee on Public Health, Welfare, and Safety.

HB 6[illegible], introduced by Ramirez, Smith. Referred to Committee on Judiciary.

HB 67[illegible], introduced by Mercer. Referred to Committee on Public Health, Welfare, and Safety.

HB 6[illegible], introduced by Keenan, Miller, Strisich, Menolian, Street, Brown, Bradley, Narbs, Winslow. Referred to Committee on [illegible]

HB 682, introduced by Smith, McLane, Stangl, Giacometto, Keller, Abramo, R. Smith. Referred to Committee on Fisheries and Natural Resources.

HB 680, introduced by [illegible] Rehberg, C. S[illegible], Deleo[illegible], Hannah, Hoffman, Severson, Sleyland [illegible] Committee on Labor and Employment Relations.

HB 689, introduced by Glover, Broadwell. Referred to Committee on Public Health, Welfare, and Safety.

HB 691, introduced by Bradley, Meeuman, K. S[illegible]. Referred to Committee on Business and Industry.

HB 697, introduced by Connelly, Cybeck, Vincent, Moore, Sales, Bradley, Kerlikowske. Referred to Committee on Local Government.

HB 702, introduced by D. Brown. Referred to Committee on State Administration.

HB 710, introduced by Smith, Addy, Mazurek, Crippen, Mesna, Marks, Bradley, Cobb, Ramirez. Referred to Committee on Business and Industry.

HB 732, introduced by Cobb. Referred to Committee on Local Government.

SJR 3, introduced by Fritz, Haney, Spaeth, Harp, Keshaba. Referred to Committee on Business and Industry.

SJR 27, introduced by Phillips, Thayer, O'Donnell, Paul, Manes, Nathe, Roth, Koland, McLane, Campbell, McCr[illegible], Jovita, Manuel, Neuman, Hamilton, Pavlovic, Anderson, Podally, Theis, Gould, Wallin, Lory, C. Smith, Jones, B. Thomas, DeMars, Holiday, Simon, Revlin, Co[illegible], Donaldson, Asay, Winslow, Hannah, Gilbert, Brandewie, Peterson, Menke, Jenkins, [illegible], Keller, Harp, Kitselman, Hertman, Keeping, Phillips, Rehberg, Lynch, Hirsch, Severson, Smith, Watson, [illegible], Williams, Davis, Miller, Iverson, Cameron, [illegible], Hamm, Jankovich, Daily, Nisbet, [illegible], Sales, S[illegible]. Referred [illegible]

FORTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 23, 1987

Senate Chambers
State Capitol

Senate convened at 10:04 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, excused. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/23/87

Correctly printed and placed on the members' desks:

SB 30	SB 36	SB 183	SB 222
SB 327	SB 338	SB 341	SB 344
SB 351	SB 370	SB 372	SB 378
SB 385			

Correctly engrossed:

SB 219	SB 226	SB 321	SB 355

Considered correctly engrossed:

SB 71	SB 77	SB 94	SB 139
SB 142	SB 188	SB 241	SB 252
SB 274	SB 279	SB 297	SB 305
SB 316	SB 319	SB 331	SB 352
SB 354	SB 356	SB 367	SB 374
SJR 12			

Report adopted.

COMMITTEES (Galt/Mazurek, Co-Chairmen) 2/23/87

We, your Committee on Committees, hereby appoint to the Legislative Consumer Council: Darryl Meyer.

Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman)

SB 369, introduced bill, be amended as follows: 2/21/87

1. Title.
Following: line 6
Insert: "PUBLIC"

2. Page 1, line 13.
Strike: "1 year"
Insert: "2 years"

3. Page 1, line 16.
Following: "all"
Insert: "public"

4. Page 1, line 18.
Following: "other"
Insert: "public"

5. Page 1, line 20.
Following: "the"
Insert: "public"

And, as amended, do pass. Report adopted.

HB 73, be concurred in. Report adopted. 2/20/87

HB 92, be concurred in. Report adopted. 2/19/87

HB 281, be concurred in. Report adopted. 2/19/87
HB 297, be concurred in. Report adopted. 2/19/87

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 2/23/87
Recommend that at the beginning of business February 23, 1987, the following be employed:

Bobby Lee.....Page
Chrissie Ballantyne.....Page
Cindy Garvin.....Page
Marcie Jones.....Page
Christie Watts.....Page
William Shaffer.....Page
Kristin Bell.....Page
Kerry Gallagher.....Page
Eddie Taylor.....Page

Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 2/23/87
SB 91, introduced bill, be amended as follows:

1. Title, line 9.
Following: "MINE;"
Insert: "TO CLARIFY THAT THE IMPACT PLAN IS APPROVED WITHOUT ANY REVIEW BY THE HARD-ROCK MINING IMPACT BOARD IF NO OBJECTIONS ARE FILED WITHIN 90 DAYS;"

2. Page 5, line 13.
Following: "plan"
Strike: "shall be"
Insert: "is"
Following: "approved"
Insert: "without any review"

And, as amended, do pass. Report adopted.

Adverse Committee Report

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 2/21/87
SB 366, introduced bill, be amended as follows:

1. Title, line 11.
Following: "SECTIONS"
Insert: "45-5-202, 46-6-101,"

2. Page 1.
Following: line 20
Insert: "Section 2. Section 46-6-101, MCA, is amended to read:

"46-6-101. Definitions. (1) An "arrest" is taking a person into custody in the manner authorized by law.

(2) A "warrant of arrest" is a written order from a court directed to a peace officer or to some other person specifically named commanding him to arrest a person. This term includes the original warrant of arrest or a copy certified by the issuing court.

(3) A "summons" is a written order issued by the court which commands a person to appear before a court at a stated time and place.

(4) A "notice to appear" is a written direction issued by a peace officer <u>or an employee of the department of highways appointed</u>

under 61-12-201 that a person appear before a court at a stated time and place to answer an offense set forth therein.""

3. Page 5, line 20.
Following: "61-10-233"
Strike: "."
Insert: "; and

(j) chapter 12, Title 69."

4. Page 7.
Following: line 3
Insert: "Section 10. Section 45-5-202, MCA, is amended to read:

"45-5-202. Aggravated assault — felony assault. (1) A person commits the offense of aggravated assault if he purposely or knowingly causes serious bodily injury to another.

(2) A person commits the offense of felony assault if he purposely or knowingly causes:

(a) bodily injury to another with a weapon;

(b) reasonable apprehension of serious bodily injury in another by use of a weapon; or

(c) bodily injury to a peace officer, or an employee of the department of highways appointed under 61-12-201, or a person who is responsible for the care or custody of a prisoner.

(3) A person convicted of aggravated assault shall be imprisoned in the state prison for a term of not less than 2 years or more than 20 years and may be fined not more than $50,000, except as provided in 46-18-222. A person convicted of felony assault shall be imprisoned in the state prison for a term not to exceed 10 years or be fined not more than $50,000, or both."

NEW SECTION. Section 11. No change in duties, responsibilities, grade levels. Nothing in this act may be construed by the department of administration or the department of highways to effect a change in duties and responsibilities for the purpose of lessening the grade level of an employee holding an appointment under 61-12-201 on the effective date of this act."
Renumber: subsequent sections

And, as amended, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Brown, Farrell, Meyer, Neuman, Severson, Thayer.
Total 6

Excused: Hager.
Total 1

Absent or not voting: Hofman, Story.
Total 2

MOTIONS

Senator Jacobson moved that SB 215 be taken from second reading this day and rereferred to Committee on Public Health, Welfare, and Safety. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 34 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Jacobson, Lybeck, Lynch, Van Valkenburg, Yellowtail.
Total 5

Excused: Hager.
Total 1

Absent or not voting: Blaylock.
Total 1

SB 71 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Weeding, Williams.
Total 33

Noes: Brown, Eck, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Severson, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 16

Paired: Hager, Aye; Neuman, No.

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

SB 77 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 42

Noes: Eck, Haffey, Jacobson, Mazurek, Neuman, Regan, Yellowtail.
Total 7

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 94 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Haffey, Halligan, Hammond, Himsl, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Crippen, Gage, Galt, Harding, Hirsch, Hofman, Keating, Pinsoneault, Rasmussen.
Total 9

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 103 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 44

Noes: Lynch, Manning, Regan, Stimatz, Walker, Yellowtail.
Total 6

Paired: Hager, Aye; Lynch, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 136 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.

Total 0

SB 139 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 142 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Crippen, Eck, Haffey, Halligan, Hammond, Harding, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 32

Noes: Aklestad, Beck, Bishop, Boylan, Brown, Farrell, Gage, Galt, Himsl, Hirsch, Hofman, Keating, McCallum, Meyer, Rasmussen, Story, Thayer.
Total 17

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 188 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Story, Yellowtail.
Total 2

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 219 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding,

Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Bishop, Galt, Regan.
Total 3

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 226 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 241 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 243 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hirsch.
Total 1

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 246 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Eck, Farrell, Gage, Galt, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Manning, Mazurek, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Weeding.
Total 33

Noes: Boylan, Brown, Crippen, Halligan, Hammond, Jergeson, Lybeck, Lynch, McCallum, McLane, Neuman, Story, Thayer, Walker, Williams, Yellowtail, Mr. President.
Total 17

Paired: Hager, Aye; Williams, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 252 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 262 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 274 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 44

Noes: Crippen, Galt, Pinsoneault, Walker, Yellowtail.
Total 5

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 276 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 277 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.

Total 1

Absent or not voting: None.
Total 0

SB 279 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 280 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 288 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 294 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 295 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Mazurek, Neuman.
Total 2

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 297 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 298 passed as follows:

Ayes: Anderson, Bengtson, Bishop, Brown, Crippen, Eck, Gage, Galt, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck,

Lynch, Mazurek, Meyer, Neuman, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 30

Noes: Abrams, Aklestad, Beck, Blaylock, Boylan, Farrell, Haffey, Hammond, Hofman, Keating, Manning, McCallum, McLane, Pinsoneault, Rasmussen, Story, Van Valkenburg, Walker, Yellowtail.
Total 19

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 299 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 300 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 305 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 313 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: Lynch.
Total 1

SB 314 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 316 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 319 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 320 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Galt, Hofman, Keating, Pinsoneault.
Total 4

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 321 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Bishop, Boylan, Gage, Galt, Hofman, Keating, McLane, Story.
Total 8

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 326 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 331 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Farrell, Keating, Story.
Total 3

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 352 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 354 failed to pass as follows:

Ayes: Anderson, Bishop, Boylan, Gage, Haffey, Halligan, Hirsch, Hofman, Jacobson, Keating, Lynch, Manning, McCallum, Pinsoneault, Smith, Stimatz, Story, Tveit, Walker, Williams, Mr. President.
Total 21

Noes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Hager, Hammond, Harding, Himsl, Jergeson, Kolstad, Lybeck, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 29

Paired: Lynch, Aye; Hager, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 355 failed to pass as follows:

Ayes: Aklestad, Anderson, Boylan, Crippen, Gage, Haffey, Halligan, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Stimatz, Story, Van Valkenburg, Walker, Williams, Mr. President.
Total 22

Noes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Jergeson, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Thayer, Tveit, Vaughn, Weeding, Yellowtail.
Total 28

Paired: Mazurek, Aye; Hager, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 356 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 367 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 46

Noes: Bishop, Hager, Halligan, Mazurek.
Total 4

Paired: Yellowtail, Aye; Hager, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 374 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SJR 12 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Bishop, Boylan, Galt, Hammond, Kolstad, Neuman, Smith, Story, Thayer.
Total 10

Excused: Hager.
Total 1

Absent or not voting: McCallum.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 30 - Senator McCallum moved, without objection, that consideration on SB 30 be passed.

SB 36 - Senator Smith moved, without objection, that SB 36 be placed at the bottom of the board.

SB 137 - Senator Weeding moved, without objection, that SB 137 be placed at the bottom of the board.

SB 39 - Senator Williams moved that SB 39 do pass. Motion failed as follows:

Ayes: Anderson, Boylan, Galt, Hammond, Hirsch, Hofman, Keating, Pinsoneault, Severson, Smith, Williams.
Total 11

Noes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Himsl, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 37

Excused: Hager.
Total 1

Absent or not voting: Mr. President.
Total 1

Senator Brown moved that SB 39 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Gage, Haffey, Halligan, Harding, Himsl, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 35

Noes: Aklestad, Anderson, Boylan, Galt, Hammond, Hirsch, Hofman, Keating, Pinsoneault, Smith, Williams.
Total 11

Excused: Hager.
Total 1

Absent or not voting: Eck, Weeding, Mr. President.
Total 3

SB 52 - Senator Brown moved that the Committee adopt the following statement of intent:

Statement of Intent
SB 52

A statement of intent is required for this bill because section 1 requires the commissioner of insurance of the state of Montana (commissioner) to establish by rule annual limitations on rate level increases and decreases that may take effect without his prior approval. The legislature intends that the rules, which the commissioner adopts to implement this bill, be designed to restore and promote stability in the specific insurance market that they are meant to regulate.

The legislature further intends that the commissioner adopt those rules in accordance with 33-1-313 that grant the commissioner general rule-making authority and that permit the commissioner:

(1) to make only reasonable rules that do not extend, modify, or conflict with any law of this state or with any reasonable implication of those laws; and

(2) to make or amend those rules only after a hearing of which notice has been given as required by 33-1-703. The legislature intends that the commissioner, in adopting a rule that establishes or modifies the annual rate level increases and decreases that may take effect without his prior approval, consider the factors listed in section 2 of the bill.

Statement of intent adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Brown moved that SB 52, with statement of intent, do pass. Motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Meyer, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Anderson, Beck, Boylan, Crippen, Gage, Galt, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 23

Excused: Hager.
Total 1

Absent or not voting: McLane.
Total 1

SB 175 - Senator Halligan moved that SB 175 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Farrell, Haffey, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 32

Noes: Aklestad, Blaylock, Boylan, Eck, Gage, Galt, Hammond, Himsl, Hirsch, Kolstad, McCallum, Neuman, Regan, Severson, Story.
Total 15

Excused: Hager.

Total 1

Absent or not voting: Williams, Mr. President.
Total 2

SB 205 - Senator Halligan moved, without objection, that SB 205 be placed at the bottom of the board.

SB 210 - Senator Keating moved that SB 210 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams.
Total 37

Noes: Aklestad, Bengtson, Himsl, Mazurek, McCallum, Neuman, Pinsoneault, Story, Van Valkenburg, Yellowtail.
Total 10

Excused: Hager.
Total 1

Absent or not voting: Halligan, Mr. President.
Total 2

SB 223 - Senator Eck moved that SB 223, second reading copy, be amended as follows:

1. Title, lines 4 and 5.
Strike: "TO GENERALLY REVISE MEDIATION PROCEDURES; AND"

2. Page 1, line 11.
Strike: "A"
Insert: "Except as otherwise provided by law, a"

3. Page 1, line 12.
Following: "mediator"
Insert: "in a family law mediation"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Eck moved that SB 223, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 272 - Senator Lynch moved that SB 272 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate recess until 1:30 p.m. Motion carried.

Senate recessed at 12:15 p.m.

Senate reconvened at 1:32 p.m.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-second legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/23/87
Correctly printed and placed on the members' desks:

SB 205 SB 308 SB 359 SB 362
SB 369 SB 371

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 2/23/87

SB 382, do pass. Report adopted.

TAXATION (McCallum, Chairman) 2/23/87

SB 335, introduced bill, be amended as follows:

1. Title, line 9.
Following: "AND"
Strike: "A RETROACTIVE"
Insert: "AN"
Following: "APPLICABILITY"
Strike: "DATE"
Insert: "PROVISION"

2. Page 2, line 16.
Following: "(a)"
Strike: "At the time of filing"
Insert: "Either party, within 30 days of the filing of an answer to"

3. Page 2, lines 17 through 20.
Following: "board," on line 17
Strike: remainder of line 17 through "board," on line 20

4. Page 3, line 4.
Following: "questions"
Insert: "raised by the pleadings"

5. Page 3, line 6.
Following: "rule"
Strike: "that exist at the time of filing"
Insert: "within 30 days of filing an answer to"

6. Page 3, line 25.
Following: "Applicability"
Insert: "to pending actions—notice"
Following: "."
Strike: "This act"
Insert: "The right to petition for interlocutory adjudication"

7. Page 4, lines 1 and 2.
Following: "applies" on line 1
Strike: remainder of line 1 through "1984" on line 2
Insert: "to all actions pending before the state tax appeal board on [the effective date of this act], where there has been no previous district court action. Petitions under this section must be filed within 90 days after notice from the state tax appeal board of the right to petition. The state tax appeal board shall give notice of the right to petition for interlocutory adjudication to the parties in pending cases, as soon as practicable after [the effective date of this act]"

And, as amended, do pass. Report adopted.

Senator Hager present at this time.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 189, introduced by Pavlovich.

HB 277, introduced by Connelly.

HB 300, introduced by Lory.

HB 309, introduced by Quilici.

HB 372, introduced by Miller.

HB 397, introduced by Spaeth.

HB 430, introduced by Brandewie.

HB 449, introduced by Marks.

HB 463, introduced by Cobb.

HB 470, introduced by Miles.

HB 511, introduced by Driscoll.

HB 530, introduced by Ellison.

HB 565, introduced by Pistoria.

HB 570, introduced by Brandewie.

HB 654, introduced by Addy.

HB 661, introduced by Spaeth.

HB 692, introduced by J. Brown.

HB 699, introduced by Wallin.

HB 718, introduced by Harper.

HB 727, introduced by Winslow.

HB 734, introduced by Bulger.

HB 738, introduced by Jenkins.

HB 749, introduced by Squires.

HB 752, introduced by Winslow.

HB 769, introduced by Patterson.

HB 771, introduced by Glaser.

HB 772, introduced by Brandewie.

HB 783, introduced by Brandewie.

HB 788, introduced by Menahan.

HJR 10, introduced by Sands.

HJR 30, introduced by Lory.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 286 - Senator Halligan moved that SB 286, second reading copy, be amended as follows:

1. Title, lines 7 through 9.
Strike: "TO REQUIRE" on line 7 through "LAND;" on line 9

2. Title, line 11.
Strike: "23-2-301,"
Following: "23-2-302"
Strike: ","

3. Pages 1 through 10.
Strike: everything following the enacting clause
Insert: "Section 1. Section 23-2-302, MCA, is amended to read:

"23-2-302. Recreational use permitted — limitations — exceptions. (1) Except as provided in subsections (2) through (5), all surface waters that are capable of recreational use may be so used by the public without regard to the ownership of the land underlying the waters.

(2) The right of the public to make recreational use of surface waters does not include, without permission or contractual arrangement with the landowner:

(a) the operation of all-terrain vehicles or other motorized vehicles not primarily designed for operation upon the water;

(b) the recreational use of surface waters in a stock pond or other private impoundment fed by an intermittently flowing natural watercourse;

(c) the recreational use of waters while diverted away from a natural water body for beneficial use pursuant to Title 85, chapter 2, part 2 or 3, except for impoundments or diverted waters to which the owner has provided public access;

(d) big game hunting ~~except by long bow or shotgun when specifically authorized by the commission~~;

~~(e) overnight camping within sight of any occupied dwelling or within 500 yards of any occupied dwelling, whichever is less;~~

~~(f)~~(e) the placement or creation of any permanent duck blind, boat moorage, or ~~any seasonal or other objects within sight of or within 500 yards of an occupied dwelling, whichever is less~~ other permanent object; or

~~(g)~~(f) use of a streambed as a right-of-way for any purpose when water is not flowing therein.

(3) The right of the public to make recreational use of class II waters does not include, without permission of the landowner:

(a) big game hunting;

(b) overnight camping;

(c) the placement or creation of any seasonal object; or

(d) other activities which are not primarily water-related pleasure activities as defined in 23-2-301(10).

(4) The right of the public to make recreational use of surface waters does not grant any easement or right to the public to enter

onto or cross private property in order to use such waters for recreational purposes.

(5) The commission shall adopt rules pursuant to 87-1-303, in the interest of public health, public safety, or the protection of public and private property, governing recreational use of class I and class II waters. These rules must include the following:

(a) the establishment of procedures by which any person may request an order from the commission:

(i) limiting, restricting, or prohibiting the type, incidence, or extent of recreational use of a surface water; or

(ii) altering limitations, restrictions, or prohibitions on recreational use of a surface water imposed by the commission;

(b) provisions requiring the issuance of written findings and a decision whenever a request is made pursuant to the rules adopted under subsection (5)(a); and

(c) a procedure for the identification of streams within class II waters which are not capable of recreational use or are capable of limited recreational use, and a procedure to restrict the recreational use to the actual capacity of the water.

(6) The provisions of this section do not affect any rights of the public with respect to state-owned lands that are school trust lands or any rights of lessees of such lands."

Section 2. Section 23-2-311, MCA, is amended to read:

"23-2-311. Right to portage — establishment of portage route. (1) A member of the public making recreational use of surface waters may, above the ordinary high-water mark, portage around barriers in the least intrusive manner possible, avoiding damage to the landowner's land and violation of his rights.

(2) A landowner may create barriers across streams for purposes of land or water management or to establish land ownership as otherwise provided by law. If a landowner erects a structure which does not interfere with the public's use of the surface waters, the public may not go above the ordinary high-water mark to portage around the structure.

(3) (a) A portage route around or over a barrier may be established to avoid damage to the landowner's land and violation of his rights, as well as to provide a reasonable and safe route for the recreational user of the surface waters.

(b) A portage route may be established when either a landowner or a member of the recreating public submits a request to the supervisors that such a route be established.

(c) Within 45 days of the receipt of a request, the supervisors shall, in consultation with the landowner and ~~a~~ representative of the department, examine and investigate the barrier and the adjoining land to determine a reasonable and safe portage route.

(d) Within 45 days of the examination of the site, the supervisors shall make a written finding of the most appropriate portage route.

(e) The cost of establishing the portage route around artificial barriers must be borne by the ~~involved landowner, except for the construction of notification signs of such route, which is the~~

~~responsibility of the~~ department. The cost of establishing a portage route around artificial barriers not owned by the landowner on whose land the portage route will be placed must be borne by the department.

(f) Once the route is established, the department has the exclusive responsibility thereafter to construct and to maintain the portage route at reasonable times agreeable to the landowner. The department shall post notices on the stream of the existence of the portage route and the public's obligation to use it as the exclusive means around a barrier.

(g) If either the landowner or recreationist disagrees with the route described in subsection (3)(e), he may petition the district court to name a three-member arbitration panel. The panel must consist of an affected landowner, a member of an affected recreational group, and a member selected by the two other members of the arbitration panel. The arbitration panel may accept, reject, or modify the supervisors' finding under subsection (3)(d).

(h) The determination of the arbitration panel is binding upon the landowner and upon all parties that use the water for which the portage is provided. Costs of the arbitration panel, computed as for jurors' fees under 3-15-201, shall be borne by the contesting party or parties; all other parties shall bear their own costs.

(i) The determination of the arbitration panel may be appealed within 30 days to the district court.

(j) Once a portage route is established, the public shall use the portage route as the exclusive means to portage around or over the barrier.

(4) Nothing contained in this part addresses the issue of natural barriers or portage around said barriers, and nothing contained in this part makes such portage lawful or unlawful."

NEW SECTION. Section 3. Extension of authority. Any existing authority of the fish and game commission to make rules on the subject of the provisions of this act is extended to the provisions of this act.

NEW SECTION. Section 4. Effective date. This act is effective on passage and approval."

Amendment passed as follows:

Ayes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 25

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Farrell, Gage, Galt, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Smith, Story, Thayer, Tveit, Williams.
Total 24

Excused: None.
Total 0

Absent or not voting: Mr. President.

Total 1

Senator Galt moved that SB 286, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 - Senator Keating moved that SB 291 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 302 - Senator Jergeson moved that SB 302, second reading copy, be amended as follows:

1. Title, line 9.
Following: "~~SECTION~~"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "20-5-311"
Strike: "AND"

2. Title, line 10.
Strike: "20-9-313"

3. Page 3, line 5.
Following: "child"
Insert: ", as a result of a court order,"

4. Page 3, line 6.
Following: "residence"
Insert: ":"

Strike: "as" on line 7 through "RESIDENCE." on line 16
Insert: "(i) but within the state of Montana or another state that maintains a reciprocal tuition agreement under 20-5-314; or

(ii) in a state that does not have a reciprocal tuition agreement pursuant to 20-5-314. The amount of daily tuition may not be greater than the average daily cost per student in the district of residence. The amount of annual tuition may not be greater than the average annual cost per student in the district of residence. The county superintendent shall calculate the average annual and the average daily cost per student."

5. Page 3, lines 18 through 20.
Strike: subsection (i) in its entirety

6. Page 3, line 21.
Strike: "(ii)"
Insert: "(A)"
Following: "part 2"
Insert: ";"

7. Page 3.
Following: line 21
Insert: "(B) placement of a child pursuant to Title 20, chapter 7, part 4"

8. Page 4.
Following: line 19
Strike: section 2 in its entirety
Renumber: subsequent section

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jergeson moved that SB 302, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 327 - Senator Yellowtail moved that SB 327, second reading copy, be amended as follows:

1. Page 2, line 6.
Following: "FACILITIES"
Insert: "that are:
(i)"
Following: "CERTIFIED"
Insert: "as such"

2. Page 2, line 7.
Following: "COMMISSION"
Insert: ";"
Following: "AND"
Insert: "(ii) are"

3. Page 3, lines 9 through 11.
Following: "purchase,"
Strike: remainder of line 9 through "CHAPTER 30" on line 11
Insert: "lease"

4. Page 3, lines 13 and 14.
Following: "purchase,"
Strike: "or the exercise of the right of eminent domain"
Insert: "or lease"

5. Page 3, line 22.
Following: "district"
Strike: "; and"
Insert: ". However, an irrigation district may not furnish or enter into a contract for the furnishing of electrical energy or capacity except to a qualified purchaser under the Public Utility Regulatory Policy Act of 1978."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Yellowtail moved that SB 327, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 329 - Senator Blaylock moved that SB 329 do pass. Motion failed as follows:

Ayes: Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 23

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Smith, Thayer, Tveit, Vaughn.
Total 25

Excused: None.
Total 0

Absent or not voting: Stimatz, Story.
Total 2

Senator Aklestad moved that SB 329 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, McCallum, McLane, Meyer, Neuman, Smith, Thayer, Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 30

Noes: Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Walker, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

SB 357 - Senator Haffey moved that SB 357 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Beck, Bishop, Galt, Hager, Himsl, McLane, Meyer, Severson.
Total 8

Excused: None.
Total 0

Absent or not voting: Boylan, Mazurek, Story, Vaughn.
Total 4

SB 360 - Senator Bishop moved that SB 360 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 361 - Senator Halligan moved that SB 361 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 - Senator Jacobson moved that SB 363 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 364 - Senator Manning moved that SB 364 do pass. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hirsch, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 31

Noes: Aklestad, Boylan, Brown, Gage, Hammond, Harding, Himsl, Hofman, Keating, Lybeck, McCallum, McLane, Smith, Weeding.
Total 14

Excused: None.
Total 0

Absent or not voting: Anderson, Galt, Rasmussen, Story, Thayer.
Total 5

SB 365 - Senator Mazurek moved that SB 365 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hirsch, Neuman.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 368 - Senator Story moved that SB 368 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Walker.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 373 - Senator Blaylock moved that SB 373 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Smith, Tveit.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 375 - Senator Bishop moved that SB 375 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 376 - Senator Jergeson moved that SB 376 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Haffey, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 31

Noes: Crippen, Gage, Galt, Hager, Harding, Himsl, Hofman, Keating, Kolstad, Mazurek, McCallum, Rasmussen, Regan, Story, Weeding.
Total 15

Excused: None.
Total 0

Absent or not voting: Aklestad, McLane, Tveit, Williams.
Total 4

SB 379 - Senator Yellowtail moved that SB 379 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 380 - Senator Pinsoneault moved that SB 380, second reading copy, be amended as follows:

1. Page 2, line 22.
Following: "was"
Insert: "unforeseeably"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Pinsoneault moved that SB 380, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 4:00 p.m. Motion carried.

Senate recessed at 3:43 p.m.

Senate reconvened at 4:06 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 374 - Senator Stimatz moved that HB 374 be placed at the bottom of the board. Motion carried.

SB 36 - Senator Smith moved that SB 36 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 28

Noes: Beck, Bengtson, Blaylock, Eck, Haffey, Halligan, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 137 - Senator Weeding moved that SB 137 do pass. Motion failed as follows:

Ayes: Abrams, Bengtson, Boylan, Crippen, Eck, Gage, Galt, Halligan, Harding, Jacobson, Jergeson, Kolstad, Manning, Neuman, Van Valkenburg, Weeding, Yellowtail.
Total 17

Noes: Aklestad, Anderson, Beck, Blaylock, Brown, Farrell, Haffey, Hager, Hammond, Himsl, Hirsch, Hofman, Keating, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 32

Excused: None.
Total 0

Absent or not voting: Bishop.
Total 1

Senator Aklestad moved that SB 137 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Mr. President.
Total 32

Noes: Abrams, Bengtson, Bishop, Crippen, Eck, Haffey, Halligan, Jergeson, Lybeck, Manning, Neuman, Smith, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: McLane, Severson.
Total 2

SB 205 - Senator Halligan moved that the Committee adopt the following statement of intent:

Statement of Intent
SB 205

A statement of intent is required for this bill because it grants rulemaking authority to the department of social and rehabilitation services.

It is intended that the department adopt such rules as are necessary to have the voucher system run smoothly. It is contemplated that rules will address the exact processes that the department and banks shall use for the processing of vouchers. The detail on the type of information to be included on the voucher is also subject to rule because, based upon experience in administering the system or changes in federal law, the form may change. It is not contemplated that exhaustive rules need be adopted relating to the payment method of the voucher. If the department cannot make the form self-explanatory using common pharmaceutical terms and references to standard pharmaceutical books, then the department deserves the resulting problems.

Statement of intent adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Halligan moved that SB 205, with statement of intent, do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 36

Noes: Abrams, Beck, Eck, Galt, Haffey, Himsl, Lybeck, Manning, Neuman, Regan, Story, Weeding, Williams.
Total 13

Excused: None.
Total 0

Absent or not voting: Bengtson.
Total 1

HB 374 - Senator Neuman moved that HB 374, third reading copy, be amended as follows:

1. Title, line 13.
Following: "FINDINGS;"
Insert: "TO FURTHER CLARIFY SALES RESTRICTIONS;"

2. Title, line 15.
Following: "8,"
Insert: "10,"

3. Page 13.
Following: line 25
Insert: "Section 9. Section 10, Chapter 669, Laws of 1985, is amended to read:

"Section 10. Sales restrictions. (1) The price of each lottery game ticket or chance must be clearly stated thereon. The price of a lottery game chance vended by a machine or electronic device must be clearly stated on the machine or device.

(2) Tickets and chances may not be sold to or purchased by persons under 18 years of age.

(3) Tickets and chances must be paid for in cash.

(4) Tickets and chances may not be sold to or purchased by commissioners, the director, his staff, gaming suppliers doing business with the state lottery, suppliers' officers and employees, employees of any firm ~~or~~ auditing or investigating the state lottery, governmental ~~agency~~ employees auditing or investigating the state lottery, or members of their families living with them.

(5) The names of elected officials may not appear on any ticket or chance.""

Renumber: subsequent sections

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Stimatz moved that HB 374, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Pinsoneault, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Brown, Crippen, Eck, Hager, Harding, Himsl, Hofman, Mazurek, Rasmussen, Regan.
Total 11

Excused: None.
Total 0

Absent or not voting: Lybeck, Neuman, Smith, Weeding.
Total 4

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/23/87
Signed by the President at 4:16 p.m. 2/23/87: HB 41.

Report adopted.

NATURAL RESOURCES (Keating, Chairman) 2/23/87

SB 292, introduced bill, be amended as follows:

1. Title, lines 4 through 13.
Following: "TO" on line 4
Strike: remainder of line 4 through "75-20-1202," on line 13
Insert: "ELIMINATE BASELINE STUDIES OF ALTERNATIVE SITES FOR ENERGY GENERATION AND CONVERSION FACILITIES FROM THE MONTANA MAJOR FACILITY SITING ACT; TO CLARIFY RULEMAKING AUTHORITY OF THE BOARD OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTIONS 75-20-105, 75-20-211, 75-20-216, 75-20-219, 75-20-301, 75-20-304,"

2. Page 1, line 17 through line 1, page 6.
Strike: section 1 in its entirety
Renumber: subsequent section

3. Page 6, line 14 through line 14, page 8.
Strike: sections 3 and 4 in their entirety
Renumber: subsequent sections

4. Page 9, lines 4 and 5.
Following: "75-20-104"
Strike: "(11)(b)" and "(11)(c)"
Insert: "(10)(b)" and "(10)(c)"

5. Page 9, line 6.
Following: "~~facility~~"
Insert: "for the facility"

6. Page 9, line 10.
Following: "(v)"
Insert: "for facilities as defined in 75-20-104(10)(b) and (10)(c),"

7. Page 9, line 11.
Following: "~~locations~~"
Strike: "proposed location"
Insert: "primary and reasonable alternate locations, or for facilities as defined in 75-20-104(10)(a), (10)(d), and (10)(e), baseline data for the proposed location and, at the applicant's option, any alternative locations acceptable to the applicant for siting the facility"

8. Page 9, line 14.
Following: "other"
Strike: "relevant"

9. Page 9, line 15.
Following: "~~relevant~~"
Strike: "submits"
Insert: "considers relevant"

10. Page 10, line 7.
Following: "is proposed"
Insert: "or is alternatively proposed"

11. Page 10, line 23.
Following: "proposed"
Insert: "or is alternatively proposed"

12. Page 11, lines 2 through 25.

Strike: section 6 in its entirety
Renumber: subsequent sections

13. Page 13, line 1.
Following: "health"
Strike: " and the board of health"

14. Page 13, line 2.
Following: "shall"
Strike: ","

15. Page 13, line 3.
Following: "application"
Strike: ","

16. Page 13, line 4.
Following: "~~months~~"
Insert: "and the board of health or department of health, if applicable, within an additional 6 months,"

17. Page 13, line 11.
Following: "location"
Insert: "or any proposed alternate location"

18. Page 13, line 22.
Following: "75-20-301"
Strike: "(2)(b) and"

19. Page 14, line 5.
Following: "~~process~~"
Insert: "and shall be utilized as part of their final site selection process"

20. Page 14, line 10.
Following: "~~months~~"
Strike: "1 year"
Insert: "22 months"

21. Page 14.
Following: line 11
Strike: "75-20-104"
Following: "~~(10)~~"
Strike: "(11)"

22. Page 14, line 15.
Following: "~~length~~"
Insert: "(a) and (d) of 75-20-104(10) and for a facility as defined in (b) and (c) of 75-20-104(10) which is more than 30 miles in length, and within 1 year for a facility as defined in (b) and (c) of 75-20-104(10) which is 30 miles or less in length"

23. Page 14, line 18.
Following: "~~recommendations,~~"
Insert: "recommendations,"

24. Page 14, line 20.
Following: "analysis"
Strike: ", if any,"

25. Page 14, line 25.
Following: "~~facilities.~~"
Insert: ", if any. If the application is for a combination of two or more facilities, the department shall make its report to the board

within the greater of the lengths of time provided for in this subsection for either of the facilities."

26. Page 15, line 7.
Following: "~~certificate.~~"
Insert: "The report may include opinions as to the advisability of granting, denying, or modifying the certificate."

27. Page 15, line 11 through line 1, page 16.
Strike: section 8 in its entirety
Renumber: subsequent sections

28. Page 16, line 10.
Following: "~~portion~~"
Insert: "of all or a portion"

29. Page 16, lines 11 and 12.
Following: "the" on line 11
Strike: "original application"
Insert: "certificate"

30. Page 16, line 24.
Following: "~~portion~~"
Insert: "of all or a portion"

31. Page 17, line 9.
Following: "~~portion~~"
Insert: "of all or a portion"

32. Page 17, line 15.
Following: "~~portion~~"
Insert: "of all or a portion"

33. Page 17, line 22.
Following: "~~portion~~"
Insert: "of all or a portion"

34. Page 17, line 24.
Following: "~~application~~"
Insert: "as set forth in the certificate"

35. Page 18, line 6 through line 22, page 25.
Strike: sections 10 through 14 in their entirety
Renumber: subsequent sections

36. Page 26, line 14.
Following: "facility"
Strike: "represents the minimum"
Insert: "minimizes"

37. Page 26, lines 16 and 17.
Following: "and" on line 16
Strike: ", for facilities defined in 75-20-104(11)(b) and (11)(c),"

38. Page 26, line 17.
Following: "~~economics~~"
Insert: "and economics"

39. Page 26, line 18.
Strike: "alternate locations"
Insert: "various alternatives"

40. Page 27, line 6.
Following: "~~local~~"

Insert: "and local"

41. Page 27, line 13.
Following: "~~subdivisions~~"
Insert: ", except that the board may refuse to apply any local law or regulation if it finds that, as applied to the proposed facility, the law or regulation is unreasonably restrictive in view of the existing technology, of factors of cost or economics, or of the needs of consumers, whether located inside or outside of the directly affected government subdivisions"

42. Page 27, lines 19 and 20.
Following: "(i)"
Strike: "for facilities defined in 75-20-104(11)(b) and (11)(c),"

43. Page 28, line 15 through line 14, page 31.
Strike: sections 16 and 17 in their entirety
Renumber: subsequent sections

44. Page 32, line 13.
Following: "75-20-301"
Strike: "2"
Following: "~~and~~"
Insert: "and"
Following: "(5)"
Strike: "2"

45. Page 32, line 14.
Following: "~~of~~"
Insert: "the requirements of subsections (1)(a)(iv) and (v) of"
Following: "75-20-211"
Strike: "(1)(a)(iv)"
Insert: ", 75-20-216(3), and 75-20-303 (3)(a)(iv)"

46. Page 33, line 16.
Following: "~~(10)(b)~~"
Strike: "subsection (b)"
Insert: "subsections (10)(b)"
Following: "75-20-104"
Strike: "(11)"

47. Page 33, line 19.
Following: "~~of~~"
Insert: "subsection (10)(a) of"
Strike: "(11)(a)"

48. Page 34, line 9 through line 13, page 44.
Strike: sections 19 through 25 in their entirety
Renumber: subsequent subsections

49. Page 44, line 18.
Following: "75-20-304 (2)"
Insert: "and (3)"

And, as amended, do pass. Report adopted.

MOTIONS

Senator Jacobson moved that SB 216 be taken from the Committee on Finance and Claims, printed, and placed on second reading on the 44th legislative day, 2/24/87. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Crippen, Eck, Haffey, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch,

Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Farrell, Gage, Galt, Hager, Hammond, Himsl, Kolstad, McCallum, McLane, Meyer, Severson, Smith, Story, Thayer, Tveit.
Total 21

Excused: None.
Total 0

Absent or not voting: Neuman.
Total 1

Senator Blaylock moved that the Senate reconsider its action in indefinitely postponing SB 329 and place on second reading.

Senator Boylan moved the previous question. Motion carried.

Senator Blaylock's motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Hirsch, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Boylan, Farrell, Gage, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, Lybeck, Smith, Story, Tveit.
Total 14

Excused: None.
Total 0

Absent or not voting: Galt, McCallum.
Total 2

Senator Mazurek moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 328, print, and place on second reading. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Abrams, Bengtson, Haffey, Halligan, Hirsch, Lybeck, Manning, Neuman, Regan, Van Valkenburg.
Total 10

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

Senator Yellowtail moved that the Senate take SB 244 from the Committee on State Administration, print, and place on second reading. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 22

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 28

Paired: Van Valkenburg, Aye; Hager, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Tveit moved that SB 184 be taken from the Committee on Natural Resources, printed, and placed on second reading on the 44th legislative day, 2/24/87.

Senator Lynch moved the previous question. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 41

Noes: Abrams, Bishop, Kolstad, Lybeck, Manning, Smith, Williams, Yellowtail.
Total 8

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

Senator Tveit's motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Smith, Story, Thayer, Tveit, Vaughn, Williams.
Total 28

Noes: Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Rasmussen, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 21

Paired: Hager, Aye; Van Valkenburg, No.

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Rasmussen moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 259. Motion failed as follows:

Ayes: Anderson, Beck, Bengtson, Blaylock, Brown, Eck, Gage, Hofman, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz.
Total 20

Noes: Aklestad, Bishop, Boylan, Crippen, Farrell, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Lynch, Neuman, Regan, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Abrams, Hager, Manning.
Total 3

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 189, introduced by Pavlovich (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

HB 277, introduced by Connelly, Halligan, Peterson, Lory, Ream, Brandewie, Harp, Kadas, Hansen, Moore, Vincent, Fritz, Squires. Referred to Committee on Judiciary.

HB 300, introduced by Lory (By Request of the Board of Regents). Referred to Committee on State Administration.

HB 309, introduced by Quilici, Spaeth, Harp, Pavlovich, Manning, Daily (By Request of the Department of Labor and Industry and the Board of Crime Control). Referred to Committee on Judiciary.

HB 372, introduced by Miller (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 397, introduced by Spaeth, Jacobson, Crippen, Thomas. Referred to Committee on Natural Resources.

HB 430, introduced by Brandewie, Harp, Cobb, Addy, Mercer. Referred to Committee on Judiciary.

HB 449, introduced by Marks, Bradley. Referred to Committee on Business and Industry.

HB 463, introduced by Cobb. Referred to Committee on Fish and Game.

HB 470, introduced by Miles, Van Valkenburg. Referred to Committee on Judiciary.

HB 511, introduced by Driscoll, Nisbet, Miller, Regan, Cody, Halligan, Thomas, Kitselman, Darko, Squires, Hansen, Harrington, Keenan, Mazurek, Van Valkenburg, Spaeth. Referred to Committee on Education and Cultural Resources.

HB 530, introduced by Ellison. Referred to Committee on Fish and Game.

HB 565, introduced by Pistoria, McCormick, Harper. Referred to Committee on Taxation.

HB 570, introduced by Brandewie, Pavlovich, Grady. Referred to Committee on Business and Industry.

HB 654, introduced by Addy. Referred to Committee on Business and Industry.

HB 661, introduced by Spaeth, E. Smith, Beck, Cody, Harrington, Glaser, Thoft, Brandewie, Boylan, Hirsch, Blaylock, Giacometto, Weeding, Iverson. Referred to Committee on Natural Resources.

HB 692, introduced by J. Brown, Grady. Referred to Committee on State Administration.

HB 699, introduced by Wallin, Boylan, Hayne, Switzer, Hoffman. Referred to Committee on Labor and Employment Relations.

HB 718, introduced by Harper, Donaldson, Connelly, Raney, Squires, Addy, Hannah, Vincent, Iverson, Strizich, C. Smith, Jones, Cohen, Harp, Bachini, Brandewie, Asay, Ream, Glaser, Spaeth, Thoft, Bradley, Corne', Eck. Referred to Committee on Natural Resources.

HB 727, introduced by Winslow. Referred to Committee on Labor and Employment Relations.

HB 734, introduced by Bulger, Darko, Wallin, Brandewie, J. Brown, Pistoria, D. Brown, Gilbert, Grinde, Hoffman, Hansen, Kitselman, Whalen, Sales, Ramirez (By Request of the House Local Government Committee). Referred to Committee on Local Government.

HB 738, introduced by Jenkins. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 749, introduced by Squires, Connelly, Hansen, Fritz, Marks, Rasmussen, Cohen, Driscoll, Whalen, Keenan, B. Williams, Tveit, Bengtson, B. Brown. Referred to Committee on Public Health, Welfare, and Safety.

HB 752, introduced by Winslow. Referred to Committee on Public Health, Welfare, and Safety.

HB 769, introduced by Patterson (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 771, introduced by Glaser, Thayer (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 772, introduced by Brandewie, Glaser, Driscoll. Referred to Committee on Labor and Employment Relations.

HB 783, introduced by Brandewie, Schye, Cody. Referred to Committee on Local Government.

HB 788, introduced by Menahan, Keenan, Haffey, Lynch. Referred to Committee on Public Health, Welfare, and Safety.

HJR 10, introduced by Sands, Cody, Poff, Stang, Peck, Hannah, Thomas, Hirsch, Stratford, Rehberg, Kitselman, Moore, Harp, Brandewie, Hayne, Glaser, Poulsen, Marks, Boylan, Swysgood. Referred to Committee on State Administration.

HJR 28, introduced by Driscoll, D. Brown, Ramirez, Rehberg, Regan, Crippen, M. Williams, Asay, Whalen, Addy, Kitselman, Sands, Keating, Simon, Patterson, McLane, Hannah, Pavlovich, Keenan, Menahan, Harrington, Jacobson, Hager, Winslow, Abrams, Walker, Raney, Bengtson, Roth, Glaser, Quilici, Miles, Manuel, Bishop, Blaylock, Lynch, Daily, C. Smith, Haffey, Stimatz, Strizich, Schye, Marks. Referred to Committee on Business and Industry.

HJR 30, introduced by Lory (By Request of the University of Montana). Referred to Committee on State Administration.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:30 a.m., February 24, 1987.

Motion carried.

Senate adjourned at 7:34 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

[illegible] Department.

State Administration.

HB 689, introduced by [illegible]

Referred to Committee on [illegible]

HB 718, introduced by Hefley, [illegible] Ch[illegible]

Addy, Hannah, [illegible] Ingram, Bishop, C[illegible]

Harp, Bachar, Brandewie, Raue, Hogan, Glaser, [illegible]

Corne, Fak. Referred to Committee on Natural [illegible]

HB 737, introduced by Winslow. Referred to Committee on Labor [illegible]

Employment Relations.

HB 738, introduced by Busse, Darko, Wallin, Brandewie, [illegible] Pe[illegible]

Pistoria, D. Brown, Gilbert, Grande, Hoffman, Hinsey, [illegible]

Whalen, Seles, Ramirez (By Request of the House [illegible]

Committee). Referred to Committee on Local Government.

HB 738, introduced by Jenkins. Referred to Committee on Agri[illegible]

Conservation and Origination.

HB 749, introduced by Sandre, Connally, Hansen, Fritz, Madle, [illegible]

Hagemann, Cal[illegible], Driscoll, Whalen, Aceman, H. Wil[illegible], Tyvell, [illegible]

Gerlach, H. Brown. Referred to Committee on Public Health, Wel[illegible]

fare, and Safety.

HB 752, introduced by Winslow. Referred to Committee on [illegible]

Health, Welfare, and Safety.

HB 768, introduced by Patterson (By Request of the State [illegible]

Referred to Committee on Business and Industry.

HB 771, introduced by Glaser, Thayer (By Request of the State Au[illegible]

[illegible]). Referred to Committee on Business and Industry.

HB 772, introduced by Brandewie, Glaser, Driscoll. Referred to Com[illegible]

[illegible] on Labor and Employment Relations.

HB 788, introduced by Brandewie, Sekye, Cody. Referred to Committee

on Local Government.

HB 789, introduced by Monahan, Keenon, Hefley, Lynch. Referred to

Committee on Public Health, Welfare, and Safety.

HB 10, introduced by Sands, Cody, Poff, Stang, Gow, Hamm[illegible]

Thomas, Hirsch, Stratford, Rehberg, Kitselman, [illegible] Ruff

Brandewie, Hayes, Glaser, Poulsen, Marks, Poyla[illegible] Swyagood

Referred to Committee on State Administration.

HB 28, introduced by Driscoll, D. Brown, Ramirez, Tanaeny, [illegible]

Langan, M. Williams, Asay, Whalen, Addy, Kitselman, Sands, K[illegible]

Ramos, Patterson, McLane, Hannah, [illegible]

Harrington, Jackson, Hag[illegible]

[illegible] John, Hayes, [illegible] M[illegible]

[illegible] Smith, [illegible] Hirsch, Schye, [illegible]

[illegible] Gilbert

[illegible] Mitchell

[illegible]

FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana
February 24, 1987

Senate Chambers
State Capitol

Senate convened at 9:35 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/24/87

Correctly printed and placed on the members' desks:

SB 91	SB 184	SB 216	SB 292
SB 315	SB 328	SB 335	SB 353
SB 382			

Correctly engrossed:

SB 52	SB 205	SB 223	SB 286
SB 302	SB 327	SB 380	

Considered correctly engrossed:

SB 36	SB 175	SB 210	SB 272
SB 291	SB 357	SB 360	SB 361
SB 363	SB 364	SB 365	SB 368
SB 373	SB 375	SB 376	SB 379

Report adopted.

STATE ADMINISTRATION (Haffey, Chairman)

HB 238, be concurred in. Report adopted. 2/13/87
HB 321, be concurred in. Report adopted. 2/13/87
HB 427, be concurred in. Report adopted. 2/20/87
HB 469, be concurred in. Report adopted. 2/20/87
HB 485, be concurred in. Report adopted. 2/20/87
HB 553, be concurred in. Report adopted. 2/13/87

MOTIONS

Senator Hager moved that SB 30 be taken from second reading this day and rereferred to the Committee on Taxation. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Neuman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 91 - Senator Hammond moved, without objection, that SB 91 be moved to the bottom of the board.

SB 183 - Senator Regan moved, without objection, that SB 183 be placed below SB 292.

SB 184 - Senator Tveit moved that SB 184 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson,

Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 28

Noes: Blaylock, Brown, Eck, Haffey, Hager, Halligan, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Abrams.
Total 1

SB 216 - Senator Jacobson moved that SB 216 do pass. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Haffey, Halligan, Harding, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 24

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Farrell, Gage, Galt, Hammond, Himsl, Hirsch, Hofman, Kolstad, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 22

Excused: None.
Total 0

Absent or not voting: Hager, McCallum, Weeding, Williams.
Total 4

SB 222 - Senator Farrell moved that SB 222 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 268 - Senator Yellowtail moved that SB 268 do pass. Motion failed as follows:

Ayes: Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Manning, Regan, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 12

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding,

Himsl, Hirsch, Hofman, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Walker, Williams.
Total 37

Excused: None.
Total 0

Absent or not voting: Stimatz.
Total 1

Senator Aklestad moved that SB 268 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 38

Noes: Haffey, Halligan, Jacobson, Jergeson, Lybeck, Manning, Regan, Van Valkenburg, Weeding, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: Blaylock, Eck.
Total 2

SB 284 - Senator Van Valkenburg moved that SB 284, second reading copy, be amended as follows:

1. Page 1, line 22.
Strike: "otherwise provided for"
Insert: "prohibited"

2. Page 1, line 25.
Following: "service."
Insert: "Such fees may not exceed $10 for each individual service provided."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Beck moved that SB 284, second reading copy, be further amended as follows:

1. Page 1, line 25.
Following: "service."
Insert: "The resolution shall set forth the nature of the service, fees, penalties, and emoluments to be assessed."

2. Page 3, lines 10 and 11.
Strike: "THE NEXT" on line 10 through "AFTER" on line 11
Insert: "a public meeting convened solely for the purpose of considering the adoption of the resolution of intent following"

3. Page 2, line 12.
Strike: "PASS"
Insert: "act"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that SB 284, second reading copy, be further amended as follows:

1. Page 3, line 3.
Following: "county."
Insert: "Under the provisions of [this act], a county may not impose fees on other taxing jurisdictions for the collection, distribution, administration, and reporting of taxes and assessments."

Amendment passed as follows:

Ayes: Abrams, Anderson, Beck, Brown, Eck, Gage, Haffey, Hager, Halligan, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 29

Noes: Aklestad, Crippen, Farrell, Galt, Hammond, Harding, Keating, McCallum, Meyer, Neuman, Pinsoneault, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: Bengtson, Bishop, Blaylock, Boylan, Kolstad, Smith, Story, Weeding, Yellowtail.
Total 9

Senator Beck moved that SB 284, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Brown, Eck, Galt, Haffey, Hager, Hammond, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Rasmussen, Regan, Thayer, Van Valkenburg, Vaughn, Weeding, Mr. President.
Total 25

Noes: Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Farrell, Gage, Halligan, Harding, Himsl, Hirsch, Hofman, Keating, McCallum, McLane, Pinsoneault, Severson, Stimatz, Story, Tveit, Walker, Williams, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SB 292 - Senator Keating moved that SB 292 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 44

Noes: Lybeck, Weeding.
Total 2

Excused: None.
Total 0

Absent or not voting: Boylan, McLane, Neuman, Severson.
Total 4

SB 183 - Senator Regan moved that SB 183 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Beck, Boylan, Galt, Hammond, Smith, Tveit, Weeding.
Total 8

Excused: None.
Total 0

Absent or not voting: McCallum, Williams.
Total 2

SB 308 - Senator Mazurek moved that SB 308, second reading copy, be amended as follows:

1. Title, line 10.
Strike: "<u>GOVERNING</u> <u>BODY</u> <u>OR</u>"

2. Page 1, line 25 through page 2, line 4.
Following: "upon" on line 25, page 1
Strike: ":" through "(II)" on line 4, page 2

Amendment passed as follows:

Ayes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Rasmussen, Regan, Severson, Story, Thayer, Vaughn, Weeding, Yellowtail, Mr. President.
Total 30

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Farrell, Galt, Haffey, Hofman, Jacobson, Lynch, Manning, Neuman, Smith, Stimatz, Tveit, Van Valkenburg, Walker, Williams.
Total 19

Excused: None.
Total 0

Absent or not voting: Pinsoneault.
Total 1

Senator Tveit moved that SB 308, as amended, do pass. Senator Tveit made a substitute motion, without objection, that SB 308 be moved to the bottom of the board.

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Neuman moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 1:15 p.m. Motion carried.

Senate recessed at 12:38 p.m.

Senate reconvened at 1:26 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Neuman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 315 - Senator Williams moved that SB 315, second reading copy, be amended as follows:

1. Page 53.
Following: line 17
Insert: "(e) Upon approval, the agreement constitutes a compromise and releases settlement and may not be reopened by the division or by any court."

2. Page 57, line 5.
Strike: "59 through 61"

Insert: "44 through 46"

3. Page 61, line 4.
Before: "2)"
Insert: "("

4. Page 78, line 6.
Following: "immediate"
Strike: "the"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Williams moved that SB 315, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Lynch, Manning, Regan, Walker.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Halligan in the Chair.

SB 328 - Senator Mazurek moved that SB 328, second reading copy, be amended. Senator Regan made a substitute motion that SB 328 be placed below SB 338. Substitute motion carried.

SB 329 - Senator Blaylock moved that SB 329 do pass. Motion carried as follows:

Ayes: Abrams, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Himsl, Hofman, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Vaughn, Walker, Yellowtail.
Total 24

Noes: Aklestad, Anderson, Beck, Bengtson, Boylan, Gage, Galt, Hager, Hammond, Harding, Hirsch, Keating, Kolstad, McLane, Meyer, Neuman, Smith, Story, Thayer, Tveit, Weeding.
Total 21

Excused: None.
Total 0

Absent or not voting: Jacobson, McCallum, Van Valkenburg, Williams, Mr. President.
Total 5

SB 335 - Senator Mazurek moved that SB 335 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 338 - Senator Boylan moved that SB 338 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 328 - Senator Mazurek moved that SB 328 be placed below SB 351. Motion carried.

SB 341 - Senator Keating moved that SB 341 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 47

Noes: Eck, Neuman, Weeding.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 344 - Senator Brown moved that SB 344, second reading copy, be amended as follows:

1. Page 6, line 15.
Strike: "$5"
Insert: "$6"

2. Page 6, line 20.
Strike: "$5"
Insert: "$6"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Brown moved that SB 344, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 351 - Senator Walker moved that SB 351 do pass. Motion failed as follows:

Ayes: Abrams, Bishop, Blaylock, Brown, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 22

Noes: Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Eck, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Smith, Story, Thayer, Tveit.
Total 26

Excused: None.
Total 0

Absent or not voting: Hager, Williams.
Total 2

Senator Farrell moved that SB 351 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Mr. President.
Total 26

Noes: Abrams, Bengtson, Blaylock, Brown, Eck, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 20

Excused: None.
Total 0

Absent or not voting: Beck, Haffey, Hager, Williams.
Total 4

SB 328 - Senator Mazurek moved that SB 328, second reading copy, be amended as follows:

1. Preceding body of bill, insert:

Statement of Intent
SB 328

A statement of intent is required for this bill because section 7 grants to the department of administration authority to define by rule which public documents are agency documents. It is the intent of the legislature that an agency document not include those publications printed by a state agency primarily for dissemination to the public.

2. Title, line 9.
Following: "~~AND~~"
Insert: "AND"
Following: "18-7-302,"
Strike: "AND 53-1-301,"

3. Page 5, line 4.

Following: "materials."
Insert: "The prohibition in this subsection does not apply to printing contracts awarded pursuant to 53-1-301."

4. Page 7, line 14.
Following: "EMPLOYEES"
Strike: "."
Insert: "or documents prepared for and used in the competitive bidding process. The department may define by rule which documents are agency documents."

5. Page 9, line 10 through page 11, line 22.
Strike: section 9 in its entirety
Renumber: subsequent sections

6. Page 12, line 9.
Strike: "9"
Insert: "8"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that SB 328, second reading copy, be further amended as follows:

1. Title, lines 9 and 10.
Strike: "REPEALING SECTION 18-7-107, MCA;"

2. Page 11, lines 23 and 24.
Strike: section 10 in its entirety
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that SB 328, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Farrell, Galt, Hager, Halligan, Harding, Himsl, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Walker, Mr. President.
Total 32

Noes: Abrams, Bengtson, Blaylock, Eck, Gage, Haffey, Hammond, Jacobson, Manning, McCallum, Neuman, Regan, Stimatz, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: Hirsch.
Total 1

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 4:35 p.m. Motion carried.

Senate recessed at 4:17 p.m.

Senate reconvened at 4:38 p.m.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Haffey, Chairman) 2/20/87
HB 484, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 220, introduced by DeMars.

HB 284, introduced by Darko.

HB 434, introduced by Donaldson.

HB 459, introduced by Keenan.

HB 610, introduced by D. Brown.

HB 619, introduced by Giacometto.

HB 642, introduced by Spaeth.

HB 725, introduced by Strizich.

HB 729, introduced by Winslow.

HB 762, introduced by J. Brown.

HB 765, introduced by Vincent.

HB 767, introduced by Fritz.

HB 779, introduced by Schye.

HB 792, introduced by Wallin.

HB 803, introduced by Campbell.

HB 818, introduced by Nathe.

HB 822, introduced by Hannah.

HB 823, introduced by Squires.

HJR 16, introduced by Peck.

HJR 26, introduced by Winslow.

HJR 34, introduced by Winslow.

HJR 36, introduced by Swift.

HJR 37, introduced by Glaser.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Halligan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 353 - Senator Meyer moved that SB 353 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 359 - Senator Haffey moved that SB 359 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 362 - Senator Jacobson moved that SB 362 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 369 - Senator Tveit moved that SB 369 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 370 - Senator Jacobson moved that SB 370 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 371 - Senator Regan moved that SB 371 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 372 - Senator Pinsoneault moved that SB 372, second reading copy, be amended as follows:

1. Title, line 8.
Strike: "PROVIDING A LIMITED REVIEW OF DECISIONS;"

2. Page 6, lines 10 through 15.
Strike: section 7 in its entirety
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Pinsoneault moved that SB 372, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 378 - Senator Smith moved that SB 378 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 382 - Senator Jergeson moved that SB 382, second reading copy, be amended as follows:

1. Page 1, line 18.
Following: "any"
Strike: "special"

2. Page 1, line 19.
Following: "improvement"
Insert: "or maintenance"
Strike: "or rural special improvement district"
Insert: "created under Title 7, chapter 12"

3. Page 2, line 3.
Strike: "<u>, including</u>" through "<u>purposes</u>" on line 4
Insert: "and may not be assessed costs for any improvement or maintenance district created under Title 7, chapter 12"

4. Page 2, line 7.
Strike: "through 23, and"
Insert: ","

Following: "41"
Insert: ", and 43"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jergeson moved that SB 382, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 385 - Senator Weeding moved that SB 385, second reading copy, be amended as follows:

1. Page 8, line 25.
Following: "personnel"
Insert: "to include, if available, a licensed physician, licensed physician assistant, or a licensed nurse specialist"

2. Page 16, line 20.
Following: "personnel"
Insert: "to include, if available, a licensed physician, licensed physician assistant, or a licensed nurse specialist"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Weeding moved that SB 385, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 91 - Senator Hammond moved that consideration on SB 91 be passed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Halligan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 308 - Senator Tveit moved that SB 308, second reading copy, be amended as follows:

1. Page 3, line 6.
Following: "part"
Insert: ", except the game of twenty-one,"

2. Page 3, lines 8 through 10.
Strike: "AN ALL-BEVERAGES LICENSE ISSUED BY THE LIQUOR DIVISION OF THE DEPARTMENT OF REVENUE"
Insert: "been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable products"

3. Page 3, line 14.
Strike: "When"
Insert: "For the game of twenty-one,"

4. Page 3, lines 14 and 15.
Strike: "has been"
Insert: "must be"

5. Page 3, line 15.
Following: "county"
Insert: "."
Strike: ", no"
Insert: "No"
Following: "game"
Insert: "of twenty-one"

6. Page 3, line 16.
Strike: "shall"
Insert: "may"

7. Page 3, line 23.
Following: "OF"
Insert: "any amount for the games provided for in this part, except for the game of twenty-one. For the game of twenty-one, the annual license fee must be"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that SB 308, second reading copy, be further amended as follows:

1. Page 3, line 1.
Strike: "five"
Insert: "one"

2. Page 3, line 2.
Strike: "decks"
Insert: "deck"

Amendment passed as follows:

Ayes: Aklestad, Bengtson, Blaylock, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Lybeck, Mazurek, Meyer, Pinsoneault, Rasmussen, Regan, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 26

Noes: Abrams, Anderson, Bishop, Boylan, Farrell, Galt, Haffey, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Neuman, Smith, Stimatz, Story, Tveit, Walker, Williams.
Total 22

Excused: None.
Total 0

Absent or not voting: Beck, Severson.
Total 2

Senator Mazurek moved that SB 308, second reading copy, be further amended as follows:

1. Title, line 10.
Strike: "GOVERNING BODY OR"

2. Page 1, line 25 through page 2, line 4.
Following: "upon" on line 25, page 1
Strike: ":" through "(II)" on line 4, page 2

Amendment passed as follows:

Ayes: Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Story, Thayer, Vaughn, Weeding, Yellowtail, Mr. President.
Total 31

Noes: Abrams, Anderson, Beck, Boylan, Galt, Haffey, Hammond, Jacobson, Lynch, Manning, Neuman, Smith, Stimatz, Tveit, Van Valkenburg, Walker, Williams.
Total 17

Excused: None.
Total 0

Absent or not voting: McCallum, Severson.
Total 2

Senator Tveit moved that SB 308, as amended, do pass. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Boylan, Farrell, Galt, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Smith, Stimatz, Story, Tveit, Walker, Williams, Mr. President.
Total 25

Noes: Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Hager, Hammond, Harding, Himsl, Hofman, Lybeck, Mazurek, McCallum, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that SB 308 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Hager, Harding, Himsl, Hofman, Lybeck, Mazurek, Rasmussen, Regan, Severson, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 22

Noes: Abrams, Anderson, Beck, Boylan, Farrell, Galt, Haffey, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Smith, Stimatz, Story, Thayer, Tveit, Walker, Williams.
Total 27

Excused: None.
Total 0

Absent or not voting: Pinsoneault.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair.

SB 308 - Senator Lynch moved to segregate SB 308 from the Committee of the Whole Report. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Boylan, Farrell, Galt, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Williams.
Total 27

Noes: Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Hager, Hammond, Harding, Hofman, Lybeck, Mazurek, McCallum, Pinsoneault, Rasmussen, Regan, Severson, Vaughn, Weeding, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch moved that SB 308 be placed on second reading this day. Senator Mazurek made a substitute motion to table SB 308. Substitute motion failed as follows:

Ayes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Lybeck, Mazurek,

Pinsoneault, Rasmussen, Regan, Severson, Vaughn, Weeding, Yellowtail, Mr. President.
Total 23

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Galt, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Williams.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch's motion carried as follows:

Ayes: Abrams, Anderson, Beck, Boylan, Farrell, Galt, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker.
Total 26

Noes: Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Hager, Hammond, Harding, Himsl, Hofman, Lybeck, Mazurek, McCallum, Pinsoneault, Regan, Severson, Vaughn, Weeding, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Williams.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Halligan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 308 - Senator Tveit moved that the previous amendments to SB 308 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Abrams, Manning.

Total 2

Senator Tveit moved that SB 308, as amended, do pass. Senator Regan made a substitute motion that SB 308 be referred to Rules Committee. The Chair ruled this is an improper motion on second reading.

Senator Regan appealed the ruling of the Chair. Motion failed as follows:

Ayes: Bengtson, Blaylock, Brown, Crippen, Eck, Harding, Himsl, Hofman, Lybeck, Mazurek, Rasmussen, Regan, Story, Weeding, Yellowtail.
Total 15

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: Hager, Severson.
Total 2

Senator Tveit's motion failed as follows:

Ayes: Abrams, Anderson, Beck, Boylan, Galt, Haffey, Halligan, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Smith, Stimatz, Story, Tveit, Van Valkenburg, Walker, Williams, Mr. President.
Total 24

Noes: Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Lybeck, Mazurek, McCallum, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Vaughn, Weeding, Yellowtail.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that SB 308 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Harding, Himsl, Hirsch, Hofman, Keating, Lybeck, Mazurek, McCallum, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Vaughn, Weeding, Yellowtail, Mr. President.
Total 28

Noes: Abrams, Anderson, Boylan, Galt, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Smith, Stimatz, Story, Tveit, Van Valkenburg, Walker, Williams.
Total 21

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Hammond, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hammond moved that SB 91 be placed on second reading at the discretion of the President. Motion carried.

Senator Eck moved that HB 471 be taken from the Committee on Business and Industry and rereferred to the Committee on Public Health, Welfare, and Safety. Motion carried.

Senator Van Valkenburg moved that the Senate adjourn until 9:30 a.m., February 25, 1987.

Motion carried.

Senate adjourned at 6:34 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 25, 1987

Senate Chambers
State Capitol

Senate convened at 9:30 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journals for the forty-third and forty-fourth legislative days, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 2/25/87

Correctly engrossed:

SB 284	SB 315	SB 328	SB 344
SB 372	SB 382	SB 385	

Considered correctly engrossed:

SB 183	SB 184	SB 216	SB 222
SB 292	SB 329	SB 335	SB 338
SB 341	SB 353	SB 359	SB 362
SB 369	SB 370	SB 371	SB 378

Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 2/25/87

Recommend that at the end of business February 25, 1987, employment of the following be terminated:

Bobby Lee.....Page
Chrissie Ballantyne.....Page
Cindy Garvin.....Page
Marcie Jones.....Page
Christie Watts.....Page
William Shaffer.....Page
Kristin Bell.....Page
Kerry Gallagher.....Page
Eddie Taylor.....Page

Report adopted.

NATURAL RESOURCES (Keating, Chairman) 2/24/87

HB 230, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 28, introduced by Jenkins.

HB 78, introduced by J. Brown.

HB 146, introduced by Spaeth.

HB 165, introduced by J. Brown.

HB 167, introduced by Gilbert.

HB 240, introduced by Thomas.

HB 344, introduced by Asay.

HB 356, introduced by Harrington.

HB 393, introduced by Lory.

HB 400, introduced by Manuel.

HB 406, introduced by Grady.

HB 417, introduced by J. Brown.

HB 429, introduced by Schye.

HB 454, introduced by Brandewie.

HB 461, introduced by Corne'.

HB 466, introduced by D. Brown.

HB 474, introduced by Moore.

HB 478, introduced by Thomas.

HB 482, introduced by Schye.

HB 491, introduced by Spaeth.

HB 495, introduced by Corne'.

HB 535, introduced by Ellison.

HB 539, introduced by Hoffman.

HB 546, introduced by Fritz.

HB 566, introduced by Keenan.

HB 568, introduced by Fritz.

HB 577, introduced by D. Brown.

HB 592, introduced by Harp.

HB 635, introduced by Simon.

HB 670, introduced by Bachini.

HB 696, introduced by Hannah.

HB 708, introduced by Nelson.

HB 724, introduced by Miller.

HB 737, introduced by D. Brown.

HB 740, introduced by Cobb.

HB 747, introduced by Gould.

HB 750, introduced by Gilbert.

HB 755, introduced by Cobb.

HB 761, introduced by Thoft.

HB 790, introduced by Rehberg.

HB 800, introduced by Rapp-Svrcek.

HB 805, introduced by Roth.

HB 806, introduced by Pavlovich.

HB 819, introduced by Nathe.

HB 825, introduced by McCormick.

HB 839, introduced by Sands.

HJR 21, introduced by Mercer.

HJR 32, introduced by Vincent.

HJR 39, introduced by Connelly.

HJR 40, introduced by Asay.

MOTIONS

Senator Tveit moved that the Senate reconsider its action indefinitely postponing SB 308. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Boylan, Galt, Haffey, Halligan, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Walker, Williams, Mr. President.
Total 25

Noes: Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hirsch, Lybeck, Mazurek, McCallum, Pinsoneault, Rasmussen, Regan, Severson, Story, Vaughn, Weeding, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 389, introduced by McCallum, Halligan (By Request of the Senate Taxation Committee). Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 36 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 29

Noes: Blaylock, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 21

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 52 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Hager, Halligan, Hammond, Harding, Jacobson, Jergeson, Lybeck, Lynch, Manning, McCallum, McLane, Regan, Severson, Stimatz, Story, ~~Tveit~~, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total ~~31~~ 30

Noes: Aklestad, Boylan, Crippen, Farrell, Gage, Galt, Himsl, Hirsch, Hofman, Keating, Kolstad, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Thayer, Tveit, Williams.
Total ~~19~~ 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 175 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Gage, Hammond, Himsl, Hirsch, McCallum, Neuman, Regan, Story, Tveit.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 passed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, ~~Galt~~, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~46~~ 45

Noes: Abrams, Galt, Hammond, Smith, Tveit.
Total ~~4~~ 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 passed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, ~~Blaylock~~, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Story, Thayer, Tveit.
Total ~~29~~ 28

Noes: Abrams, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~21~~ 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 205 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 41

Noes: Beck, Hammond, Himsl, Hirsch, Neuman, Regan, Story, Weeding, Williams.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 210 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 41

Noes: Aklestad, Beck, Hammond, Himsl, Mazurek, Neuman, Story, Van Valkenburg, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 216 passed as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Haffey, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Farrell, Gage, Galt, Hager, Hammond, Himsl, Hirsch, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Smith, Story, Thayer, Tveit.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 222 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Williams, Yellowtail, Mr. President.
Total 47

Noes: Neuman, Walker, Weeding.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 223 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 272 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284 failed to pass as follows:

Ayes: Aklestad, Beck, Blaylock, Brown, Eck, Halligan, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Smith, Thayer, Van Valkenburg, Vaughn, Weeding, Mr. President.
Total ~~24~~ 25

Noes: Abrams, Anderson, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hofman, Keating, McCallum, Pinsoneault, ~~Regan~~, Severson, Stimatz, Story, Tveit, Walker, Williams, Yellowtail.
Total ~~26~~ 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 286 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Bishop, Lybeck.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 45

Noes: Beck, McLane, Story, Weeding, Yellowtail.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 292 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 47

Noes: Lybeck, Manning, Weeding.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 302 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 315 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Hofman, Lynch, Manning, Regan, Stimatz, Walker.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 327 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 328 passed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Walker, Williams, Yellowtail.
Total 39

Noes: Abrams, Blaylock, Gage, Haffey, Halligan, McCallum, Regan, Stimatz, Van Valkenburg, Weeding, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 329 passed as follows:

Ayes: Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 26

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 335 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 338 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 341 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: Neuman, Weeding.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 344 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 353 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 357 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 31

Noes: Aklestad, Beck, Bishop, Boylan, Galt, Hager, Hammond, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Severson, Smith, Story, Tveit.
Total 18

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

SB 359 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 360 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 361 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, Hirsch.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 362 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 364 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hirsch, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Regan, Stimatz, Story, Tveit, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Brown, Gage, Hammond, Harding, Himsl, Hofman, Keating, Lybeck, McCallum, Rasmussen, Severson, Smith, Thayer, Vaughn, Weeding.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 365 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, ~~Hammond~~, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total ~~46~~ 45

Noes: Aklestad, Galt, Hammond, Hirsch, Walker.
Total ~~4~~ 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 368 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.

Total 45

Noes: Lybeck, Lynch, Manning, Walker, Yellowtail.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 369 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 370 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 371 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 372 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 373 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SB 375 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 376 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 34

Noes: Aklestad, Beck, Gage, Galt, Hager, Hammond, Hofman, Kolstad, Mazurek, Rasmussen, Regan, Story, Thayer, Williams, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

SB 378 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 379 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 380 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 382 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 385 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 374 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Farrell, Gage, Galt, Haffey, Halligan, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 35

Noes: Aklestad, Brown, Crippen, Eck, Hager, Hammond, Harding, Himsl, Lybeck, Mazurek, Rasmussen, Regan, Smith, Weeding, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Blaylock moved, without objection, that his vote on SB 184 be changed from yes to no.

Senator Hammond moved, without objection, that his vote on SB 365 be changed from yes to no.

Senator Regan moved, without objection, that her vote on SB 284 be changed from no to yes.

Senator Tveit moved, without objection, that his vote on SB 52 be changed from yes to no.

Senator Galt moved, without objection, that his vote on SB 183 be changed from yes to no.

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Walker, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Walker moved that SB 330 be taken from the Committee on Labor and Employment Relations, printed, and placed on second reading this day. Motion failed as follows:

Ayes: Eck, Haffey, Jacobson, Kolstad, Lynch, Manning, Mazurek, Regan, Stimatz, Van Valkenburg, Walker, Yellowtail.
Total 12

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Lybeck, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 37

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 2, 1987.

Motion carried.

Senate adjourned at 10:21 a.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

[illegible]

Absent or not voting: [illegible]

Total 0

Senator [illegible] moved, without objection, that his vote on SB [illegible] be changed from yes to no.

Senator Hannaford moved, without objection, that his vote on SB 3[illegible] be changed from yes to no.

Senator [illegible] moved, without objection, that her vote on SB 2[illegible] be changed from an aye to a no vote.

Senator [illegible] moved, without objection, that his vote on SB [illegible] be changed from yes to no.

Senator [illegible] moved, without objection, that his vote on SB [illegible] be changed from yes [illegible]

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Walker, and without objection, the Senate recessed to Order of Business No. [illegible]

MOTIONS

Senator Walker moved that SB 350 be taken from the Committee on Labor and Employment Relations, printed, and placed on second reading this day. The motion was [illegible] follows:

[illegible] Holley, Jacobsen, Kolstad, Lynch, Manning, Marwick, [illegible], Pomeroy, Van [illegible]berg, Walker, Yellowtail.
Total [illegible]

Nays: Abrams, Aklestad, Anderson, Beck, Bengtson, Hickey, Boylan, Brown, Cebu[illegible], Farrell, Gage, Gall, Hager, Halligan, Hamel, Hirsch, Jodoin, Jorgeson, K[illegible], Lybeck, Meyer, Nelson, Rademacher, Rasmussen, Robinson, Smith, [illegible], Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 37

Excused: None.
Total 0

Absent or Not voting:
[illegible]

FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 2, 1987

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, Jacobson, Smith, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-fifth legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

Senator Brown introduced Doug Betters, NFL player with the Miami Dolphins, who spoke to the Senate on the Doug Betters Winter Classic held annually in Whitefish, MT.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 3/2/87

Recommend that at the beginning of business March 2, 1987, the following be employed:

Jeffrey Keller.....Page
Charlene Lewis.....Page
Marcus Courtney.....Page
Kimberly Jones.....Page
Toni Niklas.....Page
Heather Pennington.....Page
Michael Servoss.....Page
Collin Cogley.....Page

Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 2/25/87

HB 51, be concurred in. Report adopted.
HB 116, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 2/25/87

SB 337, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 66, introduced by Pavlovich.

HB 219, introduced by Holliday.

HB 286, introduced by Spaeth.

HB 340, introduced by Donaldson.

HB 366, introduced by Fritz.

HB 486, introduced by Koehnke.

HB 564, introduced by M. Williams.

HB 567, introduced by Ramirez.

HB 586, introduced by Gould.

HB 623, introduced by Harrington.

HB 645, introduced by D. Brown.

HB 721, introduced by Thomas.

HB 746, introduced by Brandewie.

HB 748, introduced by Ramirez.

HB 789, introduced by Harper.

HB 796, introduced by Driscoll.

HB 804, introduced by Jenkins.

HB 810, introduced by Harrington.

HB 815, introduced by M. Hanson.

HB 831, introduced by Holliday.

HB 837, introduced by Jenkins.

HJR 38, introduced by Schye.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 28, introduced by Jenkins. Referred to Committee on Highways and Transportation.

HB 66, introduced by Pavlovich (By Request of the Department of Revenue). Referred to Committee on Business and Industry.

HB 78, introduced by J. Brown (By Request of the Department of Revenue). Referred to Committee on Judiciary.

HB 146, introduced by Spaeth, Cody, Hager, Iverson, Harper, Grady, Thoft, Jenkins, Neuman, Holliday, Manuel, Roth, Patterson, Driscoll, Bachini, Koehnke, DeMars, Poff, Abrams, Hammond, Weeding, Keller, Schye, Boylan, Severson, Hirsch. Referred to Committee on Judiciary.

HB 165, introduced by J. Brown. Referred to Committee on Business and Industry.

HB 167, introduced by Gilbert. Referred to Committee on Judiciary.

HB 219, introduced by Holliday, Hanson. Referred to Committee on Judiciary.

HB 220, introduced by DeMars, Swysgood, Thoft, Harper (By Request of the Department of Agriculture). Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 240, introduced by Thomas. Referred to Committee on Business and Industry.

HB 284, introduced by Darko, J. Brown (By Request of the Child Support Advisory Council). Referred to Committee on Judiciary.

HB 286, introduced by Spaeth, Lybeck, Tveit, Meyers, Cobb, Swysgood, Sales, Keller, Hayne, Bengtson, Gilbert, Poff, Koehnke, Schye, Compton. Referred to Committee on Judiciary.

HB 340, introduced by Donaldson (By Request of the Legislative Finance Committee). Referred to Committee on Education and Cultural Resources.

HB 344, introduced by Asay, C. Smith, Jones, Poff, Poulsen, Winslow. Referred to Committee on Judiciary.

HB 356, introduced by Harrington. Referred to Committee on Education and Cultural Resources.

HB 366, introduced by Fritz. Referred to Committee on Taxation.

HB 393, introduced by Lory (By Request of the Department of Labor and Industry). Referred to Committee on Judiciary.

HB 400, introduced by Manuel. Referred to Committee on Judiciary.

HB 406, introduced by Grady, Brandewie, Menahan, Hanson. Referred to Committee on Fish and Game.

HB 417, introduced by J. Brown, Grady, Vincent, Lory, D. Brown, Meyer, Gould, Schye, Eudaily, Mazurek, Quilici, Haffey. Referred to Committee on Business and Industry.

HB 429, introduced by Schye, E. Smith, Tveit, Weeding, Stratford, Hammond. Referred to Committee on Fish and Game.

HB 434, introduced by Donaldson (By Request of the Office of Budget and Program Planning). Referred to Committee on Finance and Claims.

HB 454, introduced by Brandewie, Mercer, Harding, Jones, C. Smith. Referred to Committee on Fish and Game.

HB 459, introduced by Keenan, Farrell, Hannah, Fritz, Spaeth, Raney, Regan, Kennerly, Bulger, Stratford, Miles, Jones, Ramirez, Vincent, Winslow, Bradley, Thomas, Harp, C. Smith, Stang, DeMars, Strizich, Schye, Darko, Van Valkenburg, Quilici, Walker, Menahan, Stimatz, Lynch, Abrams, Neuman, Poulsen, Jacobson, Eck, Phillips, Grady, Russell, Gould, Hansen, Miller, Cobb, Swysgood, Meyers, Simon, Brandewie, Menke, Addy, Holliday, Bardanouve, Mercer, M. Williams, Iverson, Kadas, Kitselman, O'Connell, Harper, D. Brown (By Request of the Governor and the Secretary of State). Referred to Committee on State Administration.

HB 461, introduced by Corne'. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 466, introduced by D. Brown, Lynch, Kitselman, Harrington, Daily, Quilici. Referred to Committee on Business and Industry.

HB 474, introduced by Moore. Referred to Committee on Judiciary.

HB 478, introduced by Thomas, Meyers, Brandewie, Hofman, Compton, Swysgood, Severson, Bishop, Hirsch, Holliday, Lybeck, Beck, Weeding, Harding, Stratford, Hayne, Thayer, Giacometto, Hanson, Devlin, Thoft, Menke, Keller, O'Connell, Gilbert, Donaldson, Swift, Stang, Manuel, Nathe, Marks, Squires, DeMars, Hoffman, Poff, Koehnke, Patterson. Referred to Committee on Judiciary.

HB 482, introduced by Schye, Spaeth, Hammond, B. Williams, E. Smith, Anderson. Referred to Committee on Judiciary.

HB 486, introduced by Koehnke, Galt. Referred to Committee on Fish and Game.

HB 491, introduced by Spaeth, Schye, J. Anderson. Referred to Committee on Judiciary.

HB 495, introduced by Corne'. Referred to Committee on Judiciary.

HB 535, introduced by Ellison, Hirsch, Devlin, Giacometto, Thomas, Campbell, Lybeck, Peterson, Thoft, Beck, Swift, Thayer, Cobb, Severson, Tveit, Manuel, Gould, Brandewie. Referred to Committee on Fish and Game.

HB 539, introduced by Hoffman. Referred to Committee on Taxation.

HB 546, introduced by Fritz. Referred to Committee on Judiciary.

HB 564, introduced by M. Williams, Spaeth. Referred to Committee on Judiciary.

HB 566, introduced by Keenan, Miles, Menahan, Bulger, Darko, Raney, Nisbet, Cody, Schye, Lory, Regan, Eck, Jacobson, Van Valkenburg, B. Brown. Referred to Committee on Judiciary.

HB 567, introduced by Ramirez, Spaeth, Lory, J. Brown, Mercer. Referred to Committee on Judiciary.

HB 568, introduced by Fritz. Referred to Committee on Fish and Game.

HB 577, introduced by D. Brown, Strizich, Halligan. Referred to Committee on Judiciary.

HB 586, introduced by Gould. Referred to Committee on Business and Industry.

HB 592, introduced by Harp. Referred to Committee on Judiciary.

HB 610, introduced by D. Brown, Menahan, Harrington, Stang, Van Valkenburg, Haffey, Manning, Harper, Squires, Corne', Driscoll, Daily, Quilici, O'Connell, Strizich, Story, Walker, Pavlovich, Pinsoneault, Stimatz, Whalen, Manuel. Referred to Committee on Judiciary.

HB 619, introduced by Giacometto, Fritz, Lory. Referred to Committee on Education and Cultural Resources.

HB 623, introduced by Harrington, Lynch, O'Connell, Gould, Driscoll, Pavlovich, Hansen, Squires, Walker, Jacobson, Haffey, Manning, Boylan, Harper. Referred to Committee on Business and Industry.

HB 635, introduced by Simon (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on Finance and Claims.

HB 642, introduced by Spaeth (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.

HB 645, introduced by D. Brown, Ellison, Marks, Keller, Grady, Spaeth, Iverson, McLane, Hammond. Referred to Committee on Natural Resources.

HB 670, introduced by Bachini, Connelly, Cody, Kolstad, M. Williams, Peck, Walker, Vincent, Driscoll, O'Connell, Spaeth, Jergeson, McCormick, Quilici, Pavlovich, Raney, Ramirez, Harp, Jenkins, Iverson, C. Smith, Wallin, Schye, Marks. Referred to Committee on Judiciary.

HB 696, introduced by Hannah. Referred to Committee on Judiciary.

HB 708, introduced by Nelson, Sales, Peterson, Holliday, Kolstad, Fritz (By Request of the House State Administration Committee). Referred to Committee on State Administration.

HB 721, introduced by Thomas, Vincent, Severson, Swysgood, Nisbet, Winslow, Van Valkenburg, B. Brown. Referred to Committee on State Administration.

HB 724, introduced by Miller. Referred to Committee on Finance and Claims.

HB 725, introduced by Strizich. Referred to Committee on Education and Cultural Resources.

HB 729, introduced by Winslow. Referred to Committee on Public Health, Welfare, and Safety.

HB 737, introduced by D. Brown (By Request of the Department of Institutions). Referred to Committee on Judiciary.

HB 740, introduced by Cobb, Van Valkenburg, Mercer, Blaylock, Peck, Thomas, Giacometto, Bishop, Miles, Addy, Neuman, Rehberg. Referred to Committee on Judiciary.

HB 746, introduced by Brandewie, Cohen. Referred to Committee on Natural Resources.

HB 747, introduced by Gould, Campbell, Harding, McCallum, Kolstad, Jenkins, Quilici, Fritz, C. Smith, Connelly, Vaughn, Manning, Van Valkenburg, Keenan, Miles, E. Smith (By Request of the Secretary of State). Referred to Committee on State Administration.

HB 748, introduced by Ramirez, Thayer, D. Brown, Halligan, Spaeth, Holliday, Grady, Neuman, Mazurek, Winslow, Quilici, Keating, Marks

(By Request of the Secretary of State). Referred to Committee on Judiciary.

HB 750, introduced by Gilbert. Referred to Committee on Public Health, Welfare, and Safety.

HB 755, introduced by Cobb, Gould. Referred to Committee on State Administration.

HB 761, introduced by Thoft. Referred to Committee on Judiciary.

HB 762, introduced by J. Brown, Connelly, Brandewie, Donaldson, Grady, Cohen, Darko. Referred to Committee on Local Government.

HB 765, introduced by Vincent, Lory, Bardanouve, Nathe, Bradley, Thoft, Fritz, Harp, Harper, Cobb, Spaeth, Winslow, Quilici. Referred to Committee on Business and Industry.

HB 767, introduced by Fritz. Referred to Committee on State Administration.

HB 779, introduced by Schye, Spaeth, Bengtson, Patterson, Manuel, Compton, Abrams, Meyers. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 789, introduced by Harper. Referred to Committee on Public Health, Welfare, and Safety.

HB 790, introduced by Rehberg, D. Brown, Galt, Meyer, Kolstad, Harper. Referred to Committee on Judiciary.

HB 792, introduced by Wallin. Referred to Committee on State Administration.

HB 796, introduced by Driscoll (By Request of the House Committee on Business and Labor). Referred to Committee on Business and Industry.

HB 800, introduced by Rapp-Svrcek, Addy, Mercer, Hannah. Referred to Committee on Judiciary.

HB 803, introduced by Campbell, Thayer (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 804, introduced by Jenkins. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 805, introduced by Roth, Mercer, Spaeth, Ramirez, Rehberg. Referred to Committee on Judiciary.

HB 806, introduced by Pavlovich (By Request of the House Committee on Business and Labor). Referred to Committee on Business and Industry.

HB 810, introduced by Harrington, Keenan, Walker, Driscoll, Ream, O'Connell, Cohen, Hansen, McCormick. Referred to Committee on Labor and Employment Relations.

HB 815, introduced by Hanson, Devlin. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 818, introduced by Nathe (By Request of the House Appropriations Committee). Referred to Committee on Education and Cultural Resources.

HB 819, introduced by Nathe (By Request of the House Appropriations Committee). Referred to Committee on Education and Cultural Resources.

HB 822, introduced by Hannah, Koehnke. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 823, introduced by Squires, Thomas, Gage (By Request of the State Auditor). Referred to Committee on Business and Industry.

HB 825, introduced by McCormick, Pistoria. Referred to Committee on Public Health, Welfare, and Safety.

HB 831, introduced by Holliday, Eck, Galt, Iverson (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.

HB 837, introduced by Jenkins. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 839, introduced by Sands. Referred to Committee on Education and Cultural Resources.

HJR 16, introduced by Peck, McCallum, Schye, Van Valkenburg, Donaldson, Miller. Referred to Committee on Education and Cultural Resources.

HJR 21, introduced by Mercer, Lory, Spaeth. Referred to Committee on Judiciary.

HJR 26, introduced by Winslow, Harp, Brandewie, Thoft, Eudaily, Ellison, Connelly, Quilici, Marks, Addy, Rehberg, Sands, Nelson, Wallin, Hayne, Bulger, Poulsen, McLane, Bishop, Darko, Vincent, Patterson, Thomas, Jenkins, Hoffman, Grady, O'Connell, Menke, Nathe, Swift, Meyers, Moore, J. Brown, Pistoria, Peck, McCormick, Hannah, Iverson, Roth, Simon, Harrington, Compton, Spaeth, M. Williams, Daily, Ream, Pavlovich, Harper, Fritz, Corne', Manuel, Russell, Whalen, Ramirez, Giacometto, Bardanouve, Meyer, Kitselman, Asay, Rapp-Svrcek, Nisbet, Gilbert, Holliday, Gould, Peterson, Keller, Donaldson, Menahan, Poff, Rasmussen, Keating. Referred to Committee on Education and Cultural Resources.

HJR 32, introduced by Vincent. Referred to Committee on Business and Industry.

HJR 34, introduced by Winslow, Bradley. Referred to Committee on Education and Cultural Resources.

HJR 36, introduced by Swift, Nathe, Spaeth, Manuel, Boylan (By Request of the House Appropriations Committee). Referred to Committee on Agriculture, Livestock, and Irrigation.

HJR 37, introduced by Glaser, Cohen, McCormick, Grinde, Simon, C. Smith, Swysgood, Hansen, Wallin, Brandewie, Thomas, Jones, Kitselman, J. Brown (By Request of the House Committee on Business and Labor). Referred to Committee on Public Health, Welfare, and Safety.

HJR 38, introduced by Schye, Driscoll, Manuel, Cody. Referred to Committee on Agriculture, Livestock, and Irrigation.

HJR 39, introduced by Connelly, Menahan, Cody, Miles, Stang, Miller, Switzer, Quilici, Iverson, Devlin, Spaeth, Peck, Bardanouve, Donaldson, O'Connell, McCormick, Holliday, J. Brown, Whalen, Poff, Harper, Manuel, Addy, Darko, Raney, Kadas, Nisbet, M. Williams, Fritz, Keenan, Cohen, Tveit, B. Brown, Jones, Keating, Keller, Strizich, Daily, Bulger, Rapp-Svrcek, Lybeck, Schye, Corne', Abrams, Russell, Kennerly, Haffey, Harrington, Manning, Hager, C. Smith, Jergeson, Bishop, Peterson, E. Smith, Halligan, Harp, Grady, Menke, Ellison, Compton, Gilbert, Gould, Kitselman, Nelson, Simon, Sands, Wallin, Jenkins, Bachini, Grinde, Patterson, Swift, Meyers, Brandewie. Referred to Committee on Education and Cultural Resources.

HJR 40, introduced by Asay, Keller, Gould, Menahan, Hayne, Wallin, Peterson, Nathe, Donaldson. Referred to Committee on Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 73 - Senator Tveit moved that HB 73 be concurred in. Senator Halligan made a substitute motion that consideration on HB 73 be passed. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

HB 92 - Senator Tveit moved that HB 92 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

HB 133 - Senator Blaylock moved that HB 133 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

HB 254 - Senator Thayer moved that HB 254 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

Senator Crippen in the Chair.

HB 257 - Senator Kolstad moved that HB 257 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

Senator Kolstad in the Chair.

HB 269 - Senator Tveit moved that HB 269 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

HB 281 - Senator Aklestad moved that consideration on HB 281 be passed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

HB 297 - Senator Halligan moved that HB 297 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

HB 332 - Senator Thayer moved that HB 332 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.

Total 0

HB 334 - Senator Weeding moved that HB 334 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

HB 386 - Senator Vaughn moved that HB 386 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Jacobson, Smith.
Total 3

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 3, 1987.

Motion carried.

Senate adjourned at 3:53 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 3, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-sixth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/3/87
Correctly printed and placed on the members' desks:
SB 337

Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/3/87
HB 508, be concurred in. Report adopted.

MOTIONS

Senator Tveit moved that HB 73 be taken from second reading this day and rereferred to the Committee on Judiciary. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Vaughn in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 230 - Senator Keating moved that HB 230 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 238 - Senator Harding moved that HB 238 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 281 - Senator Hager moved that HB 281 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 321 - Senator Harding moved that HB 321 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 427 - Senator Lynch moved that HB 427 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 469 - Senator Haffey moved that HB 469 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Anderson, Brown, Himsl, Severson.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 484 - Senator Rasmussen moved that HB 484 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 485 - Senator Stimatz moved that HB 485 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 553 - Senator Hofman moved that HB 553 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Vaughn moved the adoption of the committee report. Report adopted.

At the request of Senator Lynch, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Lynch moved that HB 765 be taken from the Committee on Business and Industry and rereferred to the Committee on Labor and Employment Relations. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 4, 1987.

Motion carried.

Senate adjourned at 3:54 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 4, 1987

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-seventh legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/3/87

HB 228, be concurred in. Report adopted.
HB 278, be concurred in. Report adopted.
HB 433, be concurred in. Report adopted.
HB 440, be concurred in. Report adopted.
HB 441, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/3/87

HB 13, third reading copy, be amended as follows:

1. Title, line 10.
Following: "ANNOTATED"
Insert: "AND 11 U.S.C. 522(D)(10)"

2. Page 1, line 18.
Following: "except"
Insert: "that property specified in 11 U.S.C. 522(d)(10) and that"

3. Page 2, line 1.
Following: "EFFECTIVE"
Strike: "July 1, 1987,"
Insert: "on passage and approval"

4. Page 2, line 2.
Following: "APPLIES"
Strike: "ONLY"

5. Page 2, lines 2 and 3.
Following: "PETITIONS" on line 2
Strike: remainder of line 2 through "1987" on line 3
Insert: "in which discharge takes place on or after the effective date of this act"

And, as amended, be concurred in. Report adopted.

HB 42, third reading copy, be amended as follows:

1. Page 3, line 14.
Following: "CARE"
Insert: "with respect to the condition of the property"

And, as amended, be concurred in. Report adopted.

HB 134, third reading copy, be amended as follows:

1. Title, line 6.

Following: "PARENTS"
Strike: "OR"
Insert: "AND"

2. Page 1, line 22.
Following: "parents"
Strike: "or"
Insert: "and"

And, as amended, be concurred in. Report adopted.

HB 223, be concurred in. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 3/3/87

HB 320, be concurred in. Report adopted.

HB 452, third reading copy, be amended as follows:

1. Title, line 5.
Strike: "WITH A MUNICIPAL COUNCIL-MAYOR GOVERNMENT"

2. Title, line 6.
Following: "MANNER"
Insert: "OR TIME"
Following: "ELECTION;"
Insert: "AMENDING SECTIONS 13-1-104 AND 13-1-107, MCA; PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE;"

3. Page 1.
Following: line 19
Insert: "Section 2. Section 13-1-104, MCA, is amended to read:

"13-1-104. Times for holding general elections. (1) A general election shall be held throughout the state in every even-numbered year on the first Tuesday after the first Monday of November to vote on ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, unless an earlier date is provided in a law authorizing a special election on an initiative or referendum pursuant to Article III, section 6, and to elect federal officers, state or multicounty district officers, members of the legislature, judges of the district court, and county officers when the terms of such offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(2) A general election shall be held throughout the state in every odd-numbered year on the first Tuesday after the first Monday in November to elect municipal officers, officers of political subdivisions wholly within one county and not required to hold annual elections, and any other officers specified by law for election in odd-numbered years when the term for the offices will expire before the next scheduled election for the offices or when one of the offices must be filled for an unexpired term as provided by law.

(3) The general election for any political subdivision other than a municipality required to hold elections annually shall be held on school election day, the first Tuesday of April of each year, and is subject to the election procedures provided for in 13-1-401.

(4) The general election for a municipality required to hold elections annually may be held either on school election day as provided

in subsection (3) or on the first Tuesday after the first Monday in November, at the discretion of the governing body."

Section 3. Section 13-1-107, MCA, is amended to read:

"13-1-107. Times for holding primary elections. (1) On the first Tuesday after the first Monday in June preceding the general election provided for in 13-1-104(1), a primary election shall be held throughout the state.

(2) On the Tuesday following the second Monday in September preceding the general election provided for in 13-1-104(2), a primary election, if required, shall be held throughout the state.

(3) If the general election for a municipality required to hold annual elections is held in November, as provided in 13-1-104(4), a primary election, if required, shall be held on the Tuesday following the second Monday in September. In an even-numbered year, the cost of this election must be paid by the municipality."

NEW SECTION. Section 4. Applicability. Sections 2 and 3 apply to municipal elections held after the effective date of this act."
Renumber: subsequent section

4. Page 1, line 20.
Following: "date."
Strike: "This act"
Insert: "Section 1"

5. Page 1.
Following: line 21
Insert: "NEW SECTION. Section 6. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 587, be concurred in. Report adopted.
HB 625, be concurred in. Report adopted.
HB 646, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/3/87
HB 504, third reading copy, be amended as follows:

1. Page 2, line 10.
Following: "laws"
Strike: "."
Insert: ", but no action may be brought challenging constitutional defects in the substance of a proposed ballot issue until after the election. Procedural defects include serious and material violation of any provision of the election laws, but are not limited to laws relating to qualification for inclusion on the ballot, illegal petition signatures, or an erroneous or fraudulent count of petition signatures."

2. Page 4, line 1.
Following: "13-27-316"
Strike: "."
Insert: ", but no action may be brought challenging constitutional defects in the substance of a proposed ballot issue until after the election. Procedural defects include serious and material violation of any provision of the election laws, but are not limited to laws relating to qualification for inclusion on the ballot, illegal petition signatures, or an erroneous or fraudulent count of petition signatures."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 583, introduced by Donaldson.

HB 606, introduced by Glaser.

HB 666, introduced by Ramirez.

HB 705, introduced by Phillips.

HB 717, introduced by J. Brown.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:07 p.m.

Senate reconvened at 3:35 p.m.

MOTIONS

Senator Mazurek moved that HB 720 be taken from the Committee on Business and Industry and rereferred to the Committee on Judiciary. Motion carried.

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 390, introduced by McCallum. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 583, introduced by Donaldson, Quilici (By Request of the Department of Public Service Regulation). Referred to Committee on Taxation.
HB 606, introduced by Glaser, Roth, Patterson, Kitselman, Hager, Bengtson. Referred to Committee on Taxation.
HB 666, introduced by Ramirez, Addy, Rehberg, Simon, Roth, Kitselman, Hannah, Winslow, Driscoll, Whalen. Referred to Committee on Taxation.
HB 705, introduced by Phillips. Referred to Committee on Taxation.
HB 717, introduced by J. Brown, Harper, Grady, Donaldson, Rasmussen, Mazurek. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Rasmussen in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 337 - Senator Manning moved that SB 337 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 51 - Senator McLane moved that HB 51 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Galt, Tveit, Walker, Williams.
Total 5

HB 116 - Senator Jacobson moved that HB 116 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Rasmussen moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 92 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 133 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 254 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 257 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 269 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 297 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Lybeck.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 332 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Smith.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 334 concurred in as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Abrams, Bengtson, Hammond, McCallum, Smith, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 386 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Bengtson.
Total 1

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 5, 1987.

Motion carried.

Senate adjourned at 4:06 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

Nays: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

187. (S.) concurred in as follows:

Ayes: Albright, Anderson, Beck, Bishop, Blaylock, Brown, Carlson, Cox, Farrell, Gage, Galt, Halley, Heger, Halligan, Harding, Hinz, Hirsch, Hofman, Jacobson, Jorgeson, Kastner, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLaughlin, McLaughlin, Meyer, Newman, Pinsonneault, Ramsey, Rogers, Severson, Smith, Stimatz, Story, Theyer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Nays: Abrams, Bengtson, Hammond, McCallum, Smith, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

187. (S.) concurred in as follows:

Ayes: Albright, Akelstad, Anderson, Beck, Bishop, Blaylock, Brown, Carlson, Cox, Farrell, Gage, Galt, Halley, Heger, Halligan, Harding, Hinz, Hirsch, Hofman, Jacobson, Jorgeson, Kastner, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLaughlin, McLaughlin, Meyer, Newman, Pinsonneault, Ramsey, Rogers, Severson, Smith, Stimatz, Story, Theyer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Nays: Bengtson.
Total 1

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

FORTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 5, 1987

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Brown, Thayer, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-eighth legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

The Sergeant-at-Arms and Senators Williams and Story escorted one of Japan's foremost authorities on American affairs, Dr. Chikara Higashi, to the rostrum where he addressed the members of the Senate.

COMMUNICATIONS AND PETITIONS

To: All Members of the Senate 3/4/87

From: Bill Norman, President

Re: Environmental Quality Council Appointments

I have reappointed the following public members to serve on the Environmental Quality Council in accordance with Section 5-6-101:

Tom France, Missoula, Montana and Everett Shuey, Butte, Montana, for a term beginning immediately upon appointment and ending before the 50th day of the 51st Legislature.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/5/87
Considered correctly engrossed:
SB 337
Signed by the President at 1:06 p.m., 3/5/87:
HJR 5

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 3/4/87
HB 446, be concurred in. Report adopted.
HB 620, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/4/87
HB 206, be concurred in. Report adopted.
HJR 27, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 3/4/87
HB 118, be concurred in. Report adopted.
HB 162, be concurred in. Report adopted.
HB 186, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/4/87
HB 21, third reading copy, be amended as follows:

1. Title, line 7.
Following: "STATES"
Strike: "SUPREME COURT"
Insert: "CONGRESS REPEALS OR REMOVES OR A FINAL JUDGMENT"

2. Page 1, line 15 through page 6, line 23.
Strike: sections 1 through 5 in their entirety
Renumber: subsequent sections

3. Page 12, line 5 through page 17, line 10.
Strike: sections 11 through 16 in their entirety
Renumber: subsequent sections

4. Page 17, line 21.
Following: line 20
Insert: "NEW SECTION. Section 8. Applicability. The provisions of this act do not apply to persons who were born on or between April 1, 1966, and April 1, 1968."
Renumber: subsequent section

5. Page 17, line 21.
Following: "Effective"
Strike: "dates"
Insert: "date"
Following: "—"
Insert: "contingent"

6. Page 17, line 22.
Following: "termination"
Insert: "date"

7. Page 17, line 22 through page 18, line 2.
Following: "(1)" on line 22
Strike: remainder of line 22 through page 18, line 2
Insert: "This act is effective April 1, 1987."
Renumber: subsequent subsection

8. Page 18, line 3.
Following: "STATES"
Strike: "SUPREME COURT"
Insert: "congress repeals or removes or a final judgment"

9. Page 18, line 8.
Following: "OF THE"
Insert: "repeal, removal, or"

10. Page 18, line 9.
Following: "MONTANA."
Strike: remainder of line 9
Insert: "This act terminates on the date of such"

And, as amended, be concurred in. Report adopted.

HB 58, be concurred in. Report adopted.
HB 65, be concurred in. Report adopted.
HB 77, be concurred in. Report adopted.
HB 79, be concurred in. Report adopted.
HB 81, third reading copy, be amended as follows:

1. Title, lines 5 through 8.
Following: "AN ACT" on line 5
Strike: remainder of line 5 through "MODIFIED" on line 8

Insert: "CONFORMING MONTANA LAW WITH THE OMNIBUS BUDGET RECONCILIATION ACT OF 1984 BY PROVIDING THAT CHILD SUPPORT ORDERS, WHETHER ESTABLISHED BY ADMINISTRATIVE OR JUDICIAL PROCESS, MAY ONLY BE PROSPECTIVELY MODIFIED; PROVIDING THAT A MODIFICATION OF SUPPORT MAY BE EFFECTIVE ONLY FOR INSTALLMENTS ACCRUING SUBSEQUENT TO ACTUAL NOTICE OF THE MOTION FOR MODIFICATION"

2. Title, line 8.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 40-4-208 AND"

3. Page 1.
Following: line 11
Insert: "Section 1. Section 40-4-208, MCA, is amended to read:

"40-4-208. Modification and termination of provisions for maintenance, support, and property disposition. (1) Except as otherwise provided in 40-4-201(6), a decree may be modified by a court as to maintenance or support only as to installments accruing subsequent to actual notice to the parties of the motion for modification.

(2) (a) Whenever the decree proposed for modification does not contain provisions relating to maintenance or support, modification under subsection (1) may only be made within 2 years of the date of the decree.

(b) Whenever the decree proposed for modification contains provisions relating to maintenance or support, modification under subsection (1) may only be made:

(i) upon a showing of changed circumstances so substantial and continuing as to make the terms unconscionable; or

(ii) upon written consent of the parties.

(3) The provisions as to property disposition may not be revoked or modified by a court, except:

(a) upon written consent of the parties; or

(b) if the court finds the existence of conditions that justify the reopening of a judgment under the laws of this state.

(4) Unless otherwise agreed in writing or expressly provided in the decree, the obligation to pay future maintenance is terminated upon the death of either party or the remarriage of the party receiving maintenance.

(5) Unless otherwise agreed in writing or expressly provided in the decree, provisions for the support of a child are terminated by emancipation of the child but not by the death of a parent obligated to support the child. When a parent obligated to pay support dies, the amount of support may be modified, revoked, or commuted to a lump-sum payment, to the extent just and appropriate in the circumstances.""
Renumber: subsequent sections

4. Page 2, line 6.
Following: "after"
Insert: "actual notice to the parties of"

And, as amended, be concurred in. Report adopted.

HB 82, be concurred in. Report adopted.
HB 139, be concurred in. Report adopted.
HB 267, third reading copy, be amended as follows:

1. Page 2, line 5.
Following: "victim"
Strike: "or"
Insert: "and"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 3/4/87
HB 208, be concurred in. Report adopted.
HB 239, be concurred in. Report adopted.
HB 290, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 3/4/87
HB 749, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/4/87
HB 706, be concurred in. Report adopted.
HJR 11, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 3/5/87
SB 377, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Joint Resolution No. 6
Report No. 2, March 4, 1987

Mr. President:

We, your Free Conference Committee on Senate Joint Resolution No. 6, met and considered:

Senate Joint Resolution No. 6

We recommend as follows:

That Senate Joint Resolution No. 6, reference copy, be amended as follows:

1. Page 23, line 20.
Strike: "64 68"
Insert: "75 78"

2. Page 36, line 19.
Strike: "57TH"
Insert: "58th"

3. Page 36, line 21.
Strike: "57TH"
Insert: "58th"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
McCallum, Chairman	Hannah, Chairman
Van Valkenburg	Iverson
Farrell	Vincent

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 31, introduced by Jacobson.

SB 32, introduced by Kolstad.

SB 75, introduced by Abrams.

SB 76, introduced by Abrams.

SB 227, introduced by Haffey.

SB 285, introduced by Farrell.

House bill passed and transmitted to the Senate for concurrence:

HB 820, introduced by Fritz.

MOTIONS

Senator Van Valkenburg moved that the Senate temporarily suspend the temporary rules in order to place the Free Conference Committee Report on SJR 6 on second reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: Neuman.
Total 1

Senator Lynch moved that HB 623 be taken from the Committee on Business and Industry and rereferred to the Committee on State Administration. Motion carried.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 820, introduced by Fritz, B. Brown, Stang, Corne', Squires, Rapp-Svrcek, Thomas, Farrell, Halligan, Addy, Swysgood, Jergeson, Keenan, Harper, Lory, Moore, Daily. Referred to Committee on Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Abrams in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 2 - Senator Haffey moved that SR 2 do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Hager, Mazurek.
Total 2

Excused: Brown, Thayer.
Total 2

Absent or not voting: Abrams, Tveit.
Total 2

HB 508 - Senator Beck moved that HB 508 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 30 - Senator Meyer moved that the Governor's amendments to HB 30 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

SJR 6 - Senator McCallum moved that the Free Conference Committee Report on SJR 6 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Abrams moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 230 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 238 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 281 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 321 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Boylan, Neuman.
Total 2

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 427 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 469 concurred in as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Harding, Hirsch, Jacobson, Jergeson, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Anderson, Boylan, Brown, Halligan, Hammond, Himsl, Hofman, Keating, Kolstad, Lybeck, McCallum, Pinsoneault.
Total 13

Paired: Farrell, Aye; Brown, No.

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 484 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 485 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 553 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

SJR 6, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown, Thayer.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 6, 1987.

Motion carried.

Senate adjourned at 4:08 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

Advanced
Litho Printing

SENATE JOURNAL

OF THE
Fiftieth Legislature

OF THE
STATE OF MONTANA

VOLUME II

Held in Helena, the Seat of Government
Commencing in Regular Session January 5, 1987
and Ending April 23, 1987

BILL NORMAN
President of the Senate

BONNIE R. WALLEM
Secretary of the Senate

PUBLISHED BY
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FIFTIETH LEGISLATIVE DAY

Helena, Montana
March 6, 1987

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Norman presiding. Invocation by the visiting Chaplain, Reverend Omland. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, Keating, Thayer, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-ninth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/6/87
Correctly printed and placed on the members' desks: SB 377.

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/5/87
HB 67, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2, line 1.
Following: "employees"
Insert: "and duly authorized department representatives"

4. Page 7, line 25.
Following: "department"
Insert: "or duly authorized department representatives"

5. Page 8, line 13.
Following: "department"
Insert: "or duly authorized department representatives"

6. Page 11.
Following: line 2
Insert: "NEW SECTION. Section 11. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 189, be concurred in. Report adopted.
HB 232, be concurred in. Report adopted.
HB 476, be concurred in. Report adopted.
HB 648, be concurred in. Report adopted.

COMMITTEES (Galt/Mazurek, Co-Chairmen) 3/6/87

Mr. President:

We, your Committee on Committees hereby appoint to the Environmental Quality Council the following members:

Senator Tveit
Senator Beck
Senator Halligan
Senator Weeding

Hereby appoint to the Legislative Council:

Senator Kolstad
Senator Galt
Senator Boylan
Senator Lynch

Hereby appoint to the Administrative Code Committee:

Senator Story
Senator Hammond
Senator Pinsoneault
Senator Jergeson

Hereby appoint to the Legislative Audit Committee:

Senator Gage
Senator Keating
Senator Neuman
Senator Jacobson

Hereby appoint to the Consumer Counsel:

Senator Meyer
Senator Blaylock

FINANCE AND CLAIMS (Regan, Chairman) 3/5/87

HB 3, third reading copy, be amended as follows:

1. Page 5, line 11.
Insert: "JPTA
Summer Youth Training 1987 889,693 Federal Special"

2. Page 5.
Following: line 21
Insert: "LIEAP 1987 485,795 Federal Special"

3. Page 5, line 24.
Strike: "62,385"
Insert: "89,892
The unexpended fiscal year 1987 Title IV-E training authority is reappropriated for fiscal year 1988."

4. Page 7, line 7.
Strike: "3,062,031"
Insert: "4,465,026"

5. Page 7, line 10.
Strike: "3,244,095"
Insert: "4,647,090"

And, as amended, be concurred in. Report adopted.

HB 248, be concurred in. Report adopted.
HB 489, be concurred in. Report adopted.
HB 635, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman) 3/5/87

HB 64, third reading copy, be amended as follows:

1. Title, line 7.
Following: "~~AND~~"
Insert: "INCREASING THE BOW AND ARROW LICENSE FEE BY $1"
Strike: "SECTION"
Insert: "SECTIONS"

2. Title, line 8.
Following: "~~87-2-708~~"

Insert: "AND 87-2-708"

3. Page 3.
Following: line 22
Insert: "Section 2. Section 87-2-708, MCA, is amended to read:

"87-2-708. Class A-2—special bow and arrow license. A holder of a valid hunting license for which a special archery season is set by the department may receive, upon payment of an additional fee of ~~$6~~ *$7*, a Class A-2 license which shall authorize the holder thereof to pursue, hunt, shoot, and kill with bow and arrow the game animals so authorized by the licenses held and to possess the carcass thereof during seasons and in areas, as designated by the department.""
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 93, be concurred in. Report adopted.
HB 131, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/5/87
HB 37, be concurred in. Report adopted.
HB 235, be concurred in. Report adopted.
HB 326, third reading copy, be amended as follows:

1. Title, lines 5 and 6.
Following: "PROVIDE" on line 5
Strike: remainder of line 5 through "GRANT" on line 6

2. Title, line 8.
Following: "~~OTHERWISE~~"
Insert: ", UNLESS THE SENTENCING COURT ORDERS OTHERWISE"

3. Page 3, lines 11 and 12.
Following: "~~not~~" on line 11
Strike: remainder of line 11 through "AS" on line 12
Insert: "is"

4. Page 3, line 13.
Following: "~~otherwise~~"
Insert: "unless the court orders otherwise"

And, as amended, be concurred in. Report adopted.

HB 335, reference copy, be amended as follows:

1. Title, line 4.
Following: ""AN ACT"
Strike: "PROHIBITING"
Insert: "AUTHORIZING"

2. Title, lines 5 through 7.
Following: "SERVICE" on line 5
Strike: remainder of line 5 through "LIABILITY" on line 7
Insert: "TO ENTER INTO AN AGREEMENT WITH A LOCAL GOVERNMENT FOR ENFORCEMENT OF PARKING REGULATIONS"

3. Page 1, lines 11 and 12.
Following: "services —" on line 11
Strike: remainder of line 11 through "penalties" on line 12
Insert: "parking citations"

4. Page 1, line 25 through page 2, line 13.
Strike: subsections (2) and (3) in their entirety
Insert: "(2) A private parking service may enter into an agreement with the local government to authorize employees of the private parking service to issue citations for parking violations as defined by state, municipal, or county laws, which occur within the boundaries of the private parking service's parking areas. All such citations must be considered within the jurisdiction of the local government and must be handled in the same manner as citations issued by peace officers thereof."

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 3/5/87

HB 129, be concurred in. Report adopted.

HB 130, third reading copy, be amended as follows:

1. Page 1, line 14.
Strike: "employer"
Insert: "insurer"

2. Page 1, line 21.
Strike: "employer"
Insert: "insurer"

3. Page 2, line 1.
Strike: "EMPLOYER"
Insert: "insurer"

4. Page 2, line 10.
Strike: "carrier"
Insert: "insurer"

5. Page 2, lines 11 and 12.
Following: "the"
Strike: remainder of line 11 through "fund" on line 12
Insert: "insurer"

6. Page 2, line 16.
Strike: "carrier's"
Insert: "insurer's"

7. Page 2, line 18.
Strike: "carrier"
Insert: "insurer"

8. Page 2.
Following: line 19
Strike: line 20 through "fund" on line 21
Insert: "insurer"

And, as amended, be concurred in. Report adopted.

HB 142, be concurred in. Report adopted.

HB 143, third reading copy, be amended as follows:

1. Title, lines 6 through 8.
Following: ";"
Strike: remainder of line 6 through "LIST" on line 8
Insert: "PROVIDING FOR REMOVAL OR SUSPENSION OF A PERSON FROM THE STATE VENDOR LIST FOR FAILURE TO COMPLY WITH THE UNEMPLOYMENT INSURANCE LAW OR THE WORKERS' COMPENSATION ACT"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 3/5/87
HB 563, be concurred in. Report adopted.
HB 624, be concurred in. Report adopted.
HB 734, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/5/87
HB 692, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 2, introduced by Hager.

SB 16, introduced by Halligan.

SB 78, introduced by Haffey.

SB 84, introduced by Thayer.

SJR 3, introduced by Gage.

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 43, introduced by Farrell.

The House, on 3/6/87, failed to concur in Senate amendments to HB 374 and appointed a Conference Committee, requesting that the Senate appoint a committee to confer on Senate amendments to HB 374.

The Speaker appointed the following members:

Representative Mercer
Representative Simon
Representative Pavlovich

MOTIONS

Senator Aklestad moved that consideration on HB 433 be passed until the 52nd legislative day, 3/9/87. Motion carried.

Senator Van Valkenburg moved that the President be empowered to appoint a Conference Committee of three to meet with a committee from the House of Representatives on Senate amendments to HB 374. Motion carried.

The President appointed the following committee:

Senator Stimatz, Chairman
Senator Walker
Senator Hammond

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 391, introduced by Crippen. Referred to Committee on Taxation.
SB 392, introduced by Eck, Keenan. Referred to Committee on Taxation.
SB 393, introduced by Eck, Raney. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Severson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 228 - Senator Weeding moved that HB 228 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Keating, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 278 - Senator Farrell moved that HB 278 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Keating, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 440 - Senator Pinsoneault moved that HB 440 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Keating, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 441 - Senator Farrell moved that HB 441 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Keating, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 504 - Senator Hofman moved that HB 504 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hammond, Harding, Himsl, Hofman, Jergeson, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Smith, Story, Vaughn, Walker, Williams, Mr. President.
Total 31

Noes: Eck, Halligan, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Weeding, Yellowtail.
Total 14

Excused: Hager, Keating, Thayer.
Total 3

Absent or not voting: Severson, Tveit.
Total 2

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Severson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 337 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Hager, Keating, Thayer.
Total 3

Absent or not voting: Lynch.
Total 1

HB 51 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Keating, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 116 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Van Valkenburg.
Total 1

Excused: Hager, Keating, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 30, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Hager, Keating, Thayer.
Total 3

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Lynch, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Lynch moved that HB 796 be taken from the Committee on Business and Industry and rereferred to the Committee on State Administration. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 10:30 a.m., March 7, 1987.

Motion carried.

Senate adjourned at 3:38 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 7, 1987

Senate Chambers
State Capitol

Senate convened at 10:33 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, Story, Thayer, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fiftieth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/5/87

HB 439, third reading copy, be amended as follows:

1. Title.
Following: line 6
Insert: "AMENDING SECTION 33-2-708, MCA;"

2. Page 1, line 12.
Following: "groups"
Insert: "and purchasing groups"

3. Page 17.
Following: line 6
Insert: "Section 15. Section 33-2-708, MCA, is amended to read:

"33-2-708. Fees and licenses. (1) The commissioner shall collect in advance and the persons so served shall so pay to the commissioner the following fees and licenses:

(a) certificates of authority:

(i) for filing applications for original certificates of authority, articles of incorporation (except original articles of incorporation of domestic insurers as provided in subsection (b) below) and other charter documents, bylaws, financial statement, examination report, power of attorney to the commissioner, and all other documents and filings required in connection with such application and for issuance of an original certificate of authority, if issued:

(A) domestic insurers ..... $ 30.00

(B) foreign insurers 300.00

(ii) annual continuation of certificate of authority 300.00

(iii) reinstatement of certificate of authority 25.00

(b) articles of incorporation:

(i) filing original articles of incorporation of domestic insurer, exclusive of fees required to be paid by the corporation to the secretary of state 20.00

(ii) filing amendment of articles of incorporation, domestic and foreign insurers, exclusive of fees required to be paid to the secretary of state by a domestic corporation 10.00

(c) filing bylaws or amendment thereto where required 5.00

(d) filing annual statement of insurer, other than as part of application for original certificate of authority 25.00

(e) resident agent's license:

(i) application for original license, including issuance of license, if issued (life and/or disability) 10.00

(ii) application for original license, including issuance of license, if issued (other than life and/or disability) 10.00

(iii) appointment of agent, each insurer 10.00

(iv) annual renewal, each insurer 10.00

(v) temporary license 10.00

(vi) amendment of license (excluding additions thereto) or reissuance of master license 10.00

(f) nonresident agent's license:

(i) application for original license, including issuance of license, if issued (life and/or disability) 100.00

(ii) application for original license, including issuance of license, if issued (other than life and/or disability) 100.00

(iii) appointment of agent, each insurer 10.00

(iv) annual renewal, each insurer 10.00

(v) amendment of license (excluding additions thereto) or reissuance of master license 10.00

(g) solicitor's license:

(i) application for original license, including issuance of license, if issued 5.00

(ii) annual renewal of license 5.00

(h) examination for license as agent or solicitor, each examination 10.00

(i) surplus line agent's license:

(i) application for original license and for issuance of license, if issued 25.00

(ii) annual renewal of license 25.00

(j) adjuster's license:

(i) application for original license and for issuance of license, if issued 10.00

(ii) annual renewal of license 10.00

(k) insurance vending machine license, each machine, each year 10.00

(l) commissioner's certificate under seal (except when on certificates of authority or licenses) 3.00

(m) copies of documents on file in the commissioner's office, per page ..... .50

(n) policy forms:

(i) filing each policy form 25.00

(ii) filing each application, rider, endorsement, amendment, insert page, schedule of rates, and clarification of risks 10.00

(iii) maximum charge if policy and all forms submitted at one time or resubmitted for approval within 180 days 50.00

(2) The commissioner shall promptly deposit with the state treasurer to the credit of the general fund of this state all fines and penalties ~~and~~, those amounts received pursuant to 33-2-311, 33-2-705, and 33-2-706, and any fees and examination and miscellaneous charges received pursuant to [sections 1 through 14] that are collected by him pursuant to Title 33 and the rules adopted thereunder.

(3) All fees are considered fully earned when received. In the event of overpayment, only those amounts in excess of $10 will be refunded.

(4) All fees and examination and miscellaneous charges, except fines or penalties or those amounts received pursuant to 33-2-311, 33-2-705, or 33-2-706, collected by the commissioner pursuant to Title 33 and the rules adopted thereunder must be deposited in the insurance regulatory trust account pursuant to 17-2-121 through 17-2-123.""

Renumber: subsequent sections

4. Insert: "NEW SECTION." preceding "Section" in the following locations:
   Page 1, lines 10 and 15
   Page 7, line 14
   Page 8, line 4
   Page 12, lines 14 and 25
   Page 13, lines 4 and 19
   Page 15, lines 5 and 17
   Page 16, lines 8, 13, and 20
   Page 17, lines 2, 7, 11, and 17

Committee adopted the following statement of intent:

Statement of Intent
HB 439

A statement of intent is required for this bill because section 14 authorizes the commissioner of insurance of the state of Montana to make and amend reasonable rules relating to risk retention groups and purchasing groups as may be necessary or desirable to carry out the provisions of the bill. The legislature intends that the rules, which the commissioner adopts to implement this bill, be designed principally to protect Montana insurance consumers while making liability insurance more available in this state. The legislature further intends that the commissioner adopt those rules in accordance with 33-1-313, MCA, which grants the commissioner general rulemaking authority and which permits the commissioner:

(1) to make only reasonable rules that do not extend, modify, or conflict with any law of this state or with any reasonable implication of those laws; and

(2) to make or amend those rules only after a hearing of which notice has been given as required by 33-1-703, MCA.

And, as amended, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/6/87

HB 197, be concurred in. Report adopted.
HB 301, be concurred in. Report adopted.
HB 413, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 3/7/87

Recommend that at the end of business March 7, 1987, employment of the following be terminated:

Jeffrey Keller.....Page
Charlene Lewis.....Page
Marcus Courtney.....Page
Kimberly Jones.....Page
Toni Niklas.....Page
Heather Pennington.....Page
Michael Servoss.....Page
Collin Cogley.....Page

Report adopted.

NATURAL RESOURCES (Weeding, Vice-Chairman) 3/6/87

HB 308, be concurred in. Report adopted.
HB 343, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 3/6/87

SB 66, introduced bill, be amended as follows:

1. Title, line 8.
Following: "PROVIDING"
Insert: "A RETROACTIVE APPLICABILITY DATE AND AN IMMEDIATE"
Following: "EFFECTIVE"
Strike: "DATES"
Insert: "DATE"

2. Page 1.
Following: line 18
Strike: "from any lease"

3. Page 1, lines 23 and 24.
Following: "~~production~~" on line 23
Strike: remainder of line 23 through "1986" on line 24
Insert: "from any well that has not produced natural gas, petroleum, or other crude or mineral oil during the 5 years immediately preceding the first month of qualified new production"

4. Page 2.
Following: line 10
Strike: section 3 in its entirety
Insert: "NEW SECTION. Section 3. Applicability — effective date. This act is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to production of natural gas, petroleum, or other crude or mineral oil from any well after December 31, 1986."

And, as amended, do pass. Report adopted.

SB 325, do pass. Report adopted.
SB 383, introduced bill, be amended as follows:

1. Title, line 9.
Strike: "24"
Insert: "12"

2. Page 9, line 13.
Strike: "24"
Insert: "12"

3. Page 22, line 8.
Strike: "24"
Insert: "12"

4. Page 22, line 14.
Strike: "24-month"
Insert: "12-month"

And, as amended, do pass. Report adopted.

Adverse Committee Report

JUDICIARY (Mazurek, Chairman) 3/5/87

HB 95, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.
Total 0

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 11, introduced by Mazurek.

SB 26, introduced by Hager.

SB 72, introduced by Himsl.

SB 93, introduced by Walker.

SB 153, introduced by Walker.

SB 165, introduced by McCallum.

House bill passed and transmitted to the Senate for concurrence:

HB 193, introduced by Nathe.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Boylan in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 13 - Senator Halligan moved that HB 13 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 42 - Senator Anderson moved that HB 42 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 134 - Senator Brown moved that HB 134 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 223 - Senator Halligan moved that HB 223 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 320 - Senator Walker moved that HB 320 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 452 - Senator Crippen moved that consideration on HB 452 be passed. Motion carried.

HB 587 - Senator Vaughn moved that HB 587 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.

Total 0

HB 625 - Senator Eck moved that HB 625 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.
Total 0

HB 646 - Senator McCallum moved that HB 646 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in the Chair. Chairman Boylan moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 508 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Thayer.
Total 3

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 9, 1987.

Motion carried.

Senate adjourned at 11:11 a.m.

GEORGE MCCALLUM
President Pro Tempore
of the Senate

BONNIE WALLEM
Secretary of the Senate

FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 9, 1987

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-first legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

Senator Lybeck introduced the Columbia Falls Concert Choir who sang to members of the Senate.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/9/87

Correctly printed and placed on the members' desks:

SB 66	SB 325	SB 383

Correctly enrolled:

SB 31	SB 32	SB 75	SB 76
SB 227	SB 285		

Examined by the sponsors and found to be correct:

SB 31	Jacobson
SB 32	Kolstad
SB 75	Abrams
SB 76	Abrams
SB 227	Haffey
SB 285	Farrell

Signed by the President at 10:48 a.m., 3/7/87:

HB 92	HB 133	HB 257	HB 269
HB 297	HB 332	HB 334	HB 386

Signed by the President at 11:55 a.m., 3/7/87:

SB 31	SB 32	SB 75	SB 76
SB 227	SB 285		

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 3/6/87

HB 516, be concurred in. Report adopted.
HB 517, be concurred in. Report adopted.
HB 591, third reading copy, be amended as follows:

1. Title, line 6.
Following: "MONTH"
Insert: ", EXCEPT JUNE OR DECEMBER,"

2. Page 1, line 17.
Following: "month,"
Insert: "except June or December,"

And, as amended, be concurred in. Report adopted.

HJR 14, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/6/87

HB 585, be concurred in. Report adopted.

HB 691, third reading copy, be amended as follows:

1. Page 5, line 24 through line 1, page 6.
Strike: "signatures of" on line 24, page 5 through "generated from" on line 1, page 6
Insert: "a signature of an authorized representative of any interexchange carrier that would be affected by"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 3/6/87

HB 117, be concurred in. Report adopted.

HB 682, third reading copy, be amended as follows:

1. Page 3.
Following: line 12
Insert: "(6) A joint board must remain in existence for at least one school year and may not be dissolved until the end of a school year."

And, as amended, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 3/9/87

Recommend that at the beginning of business March 9, 1987, the following be employed:

Brian Aklestad ..... Page
Kip Fladland ..... Page
Clay Crippen ..... Page
Mike Lockrem ..... Page
Kymberli Popham ..... Page
Tammy Castillo ..... Page
Susie Thomas ..... Page
Marla Burnham ..... Page

Report adopted.

TAXATION (McCallum, Chairman) 3/6/87

SB 340, introduced bill, be amended as follows:

1. Title, line 18.
Strike: "DELAYED"
Insert: "CONTINGENT"

2. Page 5, lines 14 and 15.
Following: "~~livestock,~~" on line 14
Strike: "number of bushels of grain,"

3. Page 6, line 8.
Following: "livestock"
Strike: "and"
Insert: ","
Following: "poultry"
Insert: ", and bees"

4. Page 9, line 15.
Following: "taxes"
Insert: "and for the collection of tax pursuant to [section 10]"

5. Page 10, lines 9 through 12.
Following: "the" on line 9
Strike: remainder of line 9 through "located" on line 12

Insert: "board of livestock"

6. Page 10, line 14.
Strike: "each kind of"

7. Page 10, line 16.
Strike: "county assessor"
Insert: "board of livestock"

8. Page 10, line 17.
Following: "(1)"
Strike: "and forward"
Insert: ". The board of livestock shall compile"

9. Page 10, line 18.
Following: "information"
Strike: "to the board of livestock"

10. Page 10, line 20.
Following: "(3)"
Strike: "Upon notification of"
Insert: "After"
Following: "levy"
Insert: "is"

11. Page 10, line 21.
Following: "the"
Strike: "county assessor"
Insert: "board"

12. Page 11, lines 11 and 12.
Strike: "county assessor"
Insert: "board of livestock"

13. Page 11, line 14.
Following: "based on the"
Strike: "assessor's"
Insert: "board's"

14. Page 14, line 3.
Following: "of this part."
Insert: "The board of livestock shall provide the board of county commissioners of each county with the number of cattle in the county on January 1 for purposes of levying the tax specified in this section."

15. Page 14, line 17.
Following: "part."
Insert: "The board of livestock shall provide the board of county commissioners in each county with the number of cattle in the county on January 1 for purposes of implementing this section."

16. Page 15, line 5.
Following: "of this part."
Insert: "The board of livestock shall provide the board of county commissioners in each county with the number of cattle in the county on January 1 for purposes of implementing this section."

17. Page 18, line 12.
Following: "sheep"
Strike: "coming 1 year old or over"

18. Page 18, line 17.

Strike: "coming 1 year old or over"

19. Page 18, line 24.
Strike: "assessor"
Insert: "treasurer"

20. Page 21, line 1.
Strike: "is more than 9 months of age and"

21. Page 21, lines 7 and 8.
Following: "that" on line 7
Strike: "is more than 9 months of age and"

22. Page 22, line 4.
Strike: "January 1, 1988"
Insert: "on passage and approval of a bill providing replacement revenue for revenue decreases that result from this act"

And, as amended, do pass. Report adopted.

HB 717, be concurred in. Report adopted.

Adverse Committee Report

TAXATION (McCallum, Chairman) 3/6/87
SB 342, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Lynch, Neuman, Story, Thayer.
Total 4

Excused: None.
Total 0

Absent or not voting: McLane, Severson, Walker.
Total 3

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 57, introduced by Halligan.

SB 80, introduced by Mazurek.

SB 97, introduced by Thayer.

SB 98, introduced by Lynch.

SB 125, introduced by Harding.

SB 140, introduced by Mazurek.

SB 204, introduced by Thayer.

SB 255, introduced by Jacobson.

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 73, introduced by Smith.

Free Conference Committee Report adopted:

SJR 6, Free Conference Committee Report.

House bill passed and transmitted to the Senate for concurrence:

HB 252, introduced by M. Hanson.

MOTIONS

Senator Van Valkenburg moved that HB 504 be taken from third reading and referred to the Committee on Judiciary. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Bishop, Boylan, Farrell, Gage, Galt, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, Severson, Smith, Story, Tveit.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 333, introduced by Crippen, Ramirez, Fritz, Hirsch, Keating, Pinsoneault, Sands, McCallum, Bengtson, Anderson, Gage, B. Brown, B. Williams, Beck, E. Smith, Harding, McLane, Eck, Galt, Tveit. Referred to Committee on Taxation.

SB 394, introduced by Gage (By Request of the Senate Taxation Committee). Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 193, introduced by Nathe, Jacobson. Referred to Committee on Taxation.

HB 252, introduced by Hanson, Galt, Boylan, Bishop, Poff, Hirsch, Keating, McCormick, O'Connell, Swift, Thayer. Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 228 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 278 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 440 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 441 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 377 - Senator Halligan moved that SB 377 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Walker, Weeding.
Total 37

Noes: Beck, Blaylock, Farrell, Hager, Mazurek, McCallum, Neuman, Stimatz, Van Valkenburg, Yellowtail, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: Regan, Williams.
Total 2

HB 21 - Senator Bishop moved that HB 21 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 42

Noes: Blaylock, Gage, Lynch, Yellowtail.
Total 4

Excused: None.
Total 0

Absent or not voting: Boylan, Neuman, Thayer, Williams.
Total 4

HB 58 - Senator Mazurek moved that HB 58 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 65 - Senator Blaylock moved that HB 65 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 77 - Senator Brown moved that HB 77 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 79 - Senator Brown moved that HB 79 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 81 - Senator Crippen moved that HB 81 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 82 - Senator Pinsoneault moved that HB 82 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 118 - Senator Hammond moved that HB 118 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 139 - Senator Hofman moved that HB 139 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 162 - Senator Keating moved that HB 162 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 186 - Senator Mazurek moved that HB 186 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hammond.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 - Senator Boylan moved that HB 206 be concurred in. Senator Mazurek made a substitute motion that HB 206 be amended as follows:

1. Title, line 8.
Following: "A"
Insert: "$1"

2. Page 3, line 5.
Following: "of"
Insert: "$1"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 45

Noes: Boylan, Lynch, Meyer, Stimatz, Williams.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Boylan moved that HB 206, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 34

Noes: Aklestad, Blaylock, Brown, Eck, Hager, Hammond, Himsl, Lybeck, Rasmussen, Regan, Weeding, Yellowtail.
Total 12

Excused: None.

Total 0

Absent or not voting: Halligan, McCallum, Story, Van Valkenburg.
Total 4

HB 208 - Senator Keating moved that HB 208 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 239 - Senator Halligan moved that HB 239 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 267 - Senator Mazurek moved that HB 267 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Neuman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 290 - Senator McLane moved that HB 290 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 433 - Senator Hager moved that HB 433 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 446 - Senator Lybeck moved that HB 446 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 452 - Senator Story moved that HB 452 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 620 - Senator Beck moved that HB 620 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 706 - Senator Lynch moved that HB 706 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Neuman excused at this time.

HB 749 - Senator Bengtson moved that HB 749 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HJR 11 - Senator Walker moved that HJR 11 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Neuman present at this time.

HJR 27 - Senator Thayer moved that HJR 27 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 36

Noes: Aklestad, Blaylock, Brown, Eck, Haffey, Jacobson, Jergeson, Lybeck, Regan, Severson, Yellowtail, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: Farrell, Mazurek.

Total 2

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill No. 374
Report No. 1, March 7, 1987

Mr. President:

We, your Conference Committee on House Bill No. 374, met and considered:

Senate amendments to House Bill No. 374

We recommend as follows:

That House Bill No. 374, reference copy, be amended as follows:

1. Title, line 10.
Following: "CREDIT;"
Insert: "TO PROVIDE FOR THE ASSISTANT DIRECTOR'S SALARY;"

2. Title, line 15.
Following: "5,"
Insert: "8,"

3. Title, line 17.
Strike: "SECTION"
Insert: "SECTIONS 2-18-103 AND"

4. Page 5.
Following: line 12
Insert: "Section 3. Section 8, Chapter 669, Laws of 1985, is amended to read:

"Section 8. Assistant director for security — qualifications — duties — compensation. (1) The director shall appoint an assistant director for security, who serves at the pleasure of the director.

(2) The assistant director for security must be qualified by training and experience, have at least 5 years of law enforcement experience, and be knowledgeable and experienced in computer security.

(3) The assistant director for security shall:

(a) be responsible for a security division to assure security, honesty, fairness, and integrity in the operation and administration of the lottery, including but not limited to an examination of the background of all prospective employees, ticket or chance sales agents, lottery vendors, and lottery contractors. The security division is designated a law enforcement agency for the purpose of administering [sections 1 through 20].

(b) in conjunction with the director, confer with the attorney general or his designee to promote and ensure security, honesty, fairness, and integrity of the operation and administration of the lottery; and

(c) in conjunction with the director, report any alleged violation of law to the attorney general, the legislative auditor, and any other appropriate law enforcement authority for further investigation and action.

(4) The salary of the assistant director for security is equal to 90% of the salary of the director of the lottery.""
Renumber: subsequent sections

5. Page 17.
Following: line 16
Insert: "Section 10. Section 2-18-103, MCA, is amended to read:

"2-18-103. Officers and employees excepted. Parts 1 and 2 do not apply to the following positions in state government:

(1) elected officials;

(2) county assessors and their chief deputy;

(3) officers and employees of the legislative branch;

(4) judges and employees of the judicial branch;

(5) members of boards and commissions appointed by the governor, appointed by the legislature, or appointed by other elected state officials;

(6) officers or members of the militia;

(7) agency heads appointed by the governor;

(8) academic and professional administrative personnel with individual contracts under the authority of the board of regents of higher education;

(9) academic and professional administrative personnel and live-in houseparents who have entered into individual contracts with the state school for the deaf and blind under the authority of the state board of public education;

(10) teachers under the authority of the department of institutions;

(11) investment officer and assistant investment officer of the board of investments; ~~and~~

(12) four professional staff positions under the board of oil and gas conservation; and

(13) assistant director for security of the Montana state lottery.""
Renumber: subsequent sections

6. Page 18, line 21.
Strike: "7"
Insert: "8"

7. Page 18, line 24.
Strike: "7"
Insert: "8"

And that this Conference Committee report be adopted.

For the Senate:

Stimatz, Chairman
Walker

For the House:

Ramirez, Chairman
Marks

Hammond Harper

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 10, 1987.

Motion carried.

Senate adjourned at 5:45 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 10, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-second legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/10/87

Correctly printed and placed on the members' desks:
SB 340

Considered correctly engrossed:
SB 377

Correctly enrolled:

SB 2	SB 11	SB 16	SB 26
SB 72	SB 78	SB 84	SB 93
SB 153	SB 165	SR 2	SJR 3

Examined by the sponsors and found to be correct:

SB 2	Hager
SB 11	Mazurek
SB 16	Halligan
SB 26	Hager
SB 72	Himsl
SB 78	Haffey
SB 84	Thayer
SB 93	Walker
SB 153	Walker
SB 165	McCallum
SR 2	Haffey
SJR 3	Gage

Delivered to the Governor at 3:04 p.m., 3/9/87:

SB 31	SB 32	SB 75	SB 76
SB 227	SB 285		

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 3/9/87

HB 461, be concurred in. Report adopted.
HB 815, third reading copy, be amended as follows:

1. Page 10, lines 12 and 13.
Strike: "IS AUTHORIZED TO REDUCE THEIR"
Insert: "may reduce"

2. Page 10, line 15.
Strike: "Section 5 is"
Insert: "Sections 5 and 11 are"

3. Page 10, line 17.
Strike: "section 5"
Insert: "sections 5 and 11"

And, as amended, be concurred in. Report adopted.

Committee adopted the following amendments to the statement of intent:

1. Page 1, line 7.
Following: "agriculture"
Insert: "shall"

2. Page 1, line 8.
Following: "pathogens"
Strike: ","
Insert: "and"
Following: "parasites"
Strike: ","
Insert: "and may establish standards for"
Following: "predators"
Strike: ","

And, as amended, be adopted. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/9/87
HB 19, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "70-32-103,"

2. Title, line 8.
Strike: "70-32-106,"
Following: "70-32-213,"
Insert: "AND"

3. Title, lines 8 through 10.
Following: "70-32-214," on line 8
Strike: remainder of line 8 through "72-3-1104," on line 10

4. Page 2, line 21.
Following: "~~$6,000~~"
Strike: "$4,500"
Insert: "$6,000"

5. Page 3, line 2.
Following: "~~$3,500~~"
Strike: "$1,200"
Insert: "$2,500"

6. Page 8, line 16 through page 23, line 16.
Strike: sections 11 through 25 in their entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 3/9/87
HB 388, third reading copy, be amended as follows:

1. Title, line 10.
Following: "VALUE OF A"
Insert: "STATE-OWNED"

2. Title, line 11.
Following: "PROJECT"
Insert: ", AND THAT THE DEPARTMENT'S AUTHORITY HEREUNDER MAY BE EXERCISED WITHOUT REGARD TO OTHER LAWS PROVIDING FOR DISPOSITION OF STATE PROPERTIES"

3. Page 2, lines 1 and 2.

Strike: "without regard to other laws providing for the disposition of state property"

4. Page 4, line 5.
Following: "and revenue therefrom"
Insert: "without regard to other laws providing for the disposition of state property"

And, as amended, be concurred in. Report adopted.

HB 408, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 3/9/87
HB 196, be concurred in. Report adopted.
HB 536, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman)
HB 450, be concurred in. Report adopted. 3/9/87
HB 747, be concurred in. Report adopted. 3/10/87
HB 755, be concurred in. Report adopted. 3/10/87
HB 792, third reading copy, be amended as follows: 3/10/87

1. Page 2, line 2.
Strike: "actual"

2. Page 2, line 3.
Following: "travel"
Insert: ", lodgings,"

And, as amended, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 3/10/87
SB 228, introduced bill, be amended as follows:

1. Page 16.
Following: line 2
Insert: "**NEW SECTION.** Section 12. Coordination instruction. If section 3 of this act and House Bill No. 12 are both passed and approved, the amendment to 20-9-343(3)(c) contained in House Bill No. 12 is void."
Renumber: subsequent sections

2. Page 16, line 10.
Following: "March 31,"
Strike: "1986"
Insert: "1987"

3. Page 16, line 16.
Following: "approval"
Insert: "or April 1, 1987, whichever occurs later"

And, as amended, do pass. Report adopted.

SB 389, introduced bill, be amended as follows:

1. Page 1, line 23.
Strike: "$155"
Insert: "$108"

2. Page 2, line 1.
Strike: "$206"
Insert: "$144"

3. Page 2, line 4.

Strike: "$516"
Insert: "$361"

4. Page 2, line 7.
Strike: "$2,580"
Insert: "$1,806;

(e) school buses used to provide transportation services on contract with school districts in this state, $60"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 105, introduced by Himsl.

SB 112, introduced by Mazurek.

SB 120, introduced by Regan.

SB 123, introduced by Harding.

SB 124, introduced by Harding.

SB 171, introduced by Yellowtail.

SB 172, introduced by Yellowtail.

SB 182, introduced by Meyer.

SB 242, introduced by Lynch.

SB 243, introduced by Vaughn.

SB 264, introduced by Himsl.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 6, introduced by Lybeck.

SB 18, introduced by Pinsoneault.

SB 46, introduced by Neuman.

SB 130, introduced by Manning.

SB 144, introduced by Blaylock.

SB 174, introduced by B. Brown.

SB 180, introduced by Harding.

SB 245, introduced by Kolstad.

SB 256, introduced by Jacobson.

House bills passed and transmitted to the Senate for concurrence:

HB 316, introduced by Addy.

HB 523, introduced by Pavlovich.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 395, introduced by Crippen, Hirsch, Spaeth, B. Williams, Cody, Wallin, Bengtson, M. Williams (By Request of the Governor). Referred to Committee on Taxation.

SJR 13, introduced by Keating. Referred to Committee on Public Health, Welfare, and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 316, introduced by Addy, Hager, Keenan, Pistoria, Mazurek, Stratford, Hansen, Lory, Bulger. Referred to Committee on Public Health, Welfare, and Safety.

HB 523, introduced by Pavlovich, Thomas, Bachini, Grady, Lynch, Strizich, Gould, Swysgood, Darko, Brandewie, Quilici, Pistoria, Mercer, Nisbet, J. Brown, Squires, Manuel, Daily, McCormick, Wallin, Hansen, Jones, C. Smith, Miller, Hannah, Simon, D. Brown, Abrams, Manning, Lybeck, Menahan, Campbell, Holliday, Harper, O'Connell, Spaeth, Peck, Harrington, Tveit, Walker, Haffey, Jacobson, Keenan, Vincent, Stimatz, Fritz. Referred to Committee on Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 13 concurred in as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

HB 42 concurred in as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson.

Total 1

HB 134 concurred in as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

HB 223 concurred in as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

HB 320 concurred in as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

HB 587 concurred in as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Kolstad.
Total 1

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

HB 625 concurred in as follows:

Ayes: Abrams, Aklestad, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Beck, Bengtson, Bishop, Boylan, Hofman, Kolstad, Smith, Story, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

HB 646 concurred in as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Anderson, Tveit.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Neuman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 3 - Senator Keating moved that HB 3, third reading copy, be amended as follows:

1. Page 3.
Following: line 13
Insert: "Termination Pay 1987 $12,618 State Special

These funds may be used only for termination pay for the current workers' compensation judge if he is not reappointed to the position. This amendment does not take effect if the court is eliminated by the 50th legislature."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Haffey moved that HB 3, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 37 - Senator Pinsoneault moved that HB 37 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 64 - Senator Yellowtail moved that HB 64 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 67 - Senator Lynch moved that HB 67 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 93 - Senator Jacobson moved that HB 93 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 129 - Senator Keating moved that HB 129 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 130 - Senator Gage moved that HB 130 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 131 - Senator Jergeson moved that HB 131 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 142 - Senator Blaylock moved, without objection, that consideration on HB 142 be passed.

HB 143 - Senator Blaylock moved, without objection, that consideration on HB 143 be passed.

HB 189 - Senator Lynch moved that HB 189 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Neuman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 232 - Senator Meyer moved that HB 232 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 235 - Senator Crippen moved that HB 235 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 248 - Senator Himsl moved that HB 248 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 326 - Senator Halligan moved that HB 326 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 335 - Senator Meyer moved that HB 335 be concurred in. Senator Meyer made a substitute motion that HB 335 be placed below HB 563. Substitute motion carried.

HB 476 - Senator Williams moved that HB 476 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 49

Noes: Weeding.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 489 - Senator Himsl moved that HB 489 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 563 - Senator Harding moved that HB 563 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 335 - Chairman Neuman moved, without objection, that HB 335 be placed below HB 624.

HB 624 - Senator Walker moved that HB 624 be concurred in. Senator Mazurek made a substitute motion that consideration on HB 624 be passed. Substitute motion carried.

HB 335 - Senator Mazurek moved that HB 335, third reading copy, be amended. Senator Thayer made a substitute motion that consideration on HB 335 be passed. Substitute motion carried.

HB 635 - Senator Jacobson moved that HB 635 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 648 - Senator Williams moved that HB 648 be concurred in. Senator Beck made a substitute motion that consideration on HB 648 be passed. Substitute motion failed as follows:

Ayes: Abrams, Beck, Bengtson, Boylan, Gage, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lynch, Manning, Smith, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 18

Noes: Aklestad, Anderson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, Lybeck, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Tveit, Yellowtail, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: Galt, McCallum, Severson, Story.
Total 4

Senator Williams' motion failed as follows:

Ayes: Abrams, Beck, Bengtson, Boylan, Galt, Haffey, Halligan, Hirsch, Kolstad, Lynch, Manning, Smith, Stimatz, Williams, Mr. President.
Total 15

Noes: Aklestad, Anderson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.

Total 33

Excused: None.
Total 0

Absent or not voting: Severson, Story.
Total 2

Senator Aklestad moved that HB 648 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 30

Noes: Abrams, Beck, Bengtson, Boylan, Gage, Galt, Haffey, Halligan, Hirsch, Kolstad, Lybeck, Lynch, Manning, Smith, Stimatz, Walker, Williams, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Severson, Story.
Total 2

HB 692 - Senator Harding moved that HB 692 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 734 - Senator Vaughn moved that HB 734 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 374 - Senator Stimatz moved that the Conference Committee Report on HB 374 be adopted. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Galt, Haffey, Hager, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 34

Noes: Aklestad, Blaylock, Eck, Gage, Halligan, Harding, Keating, Lybeck, Smith, Tveit, Weeding, Yellowtail.
Total 12

Excused: None.
Total 0

Absent or not voting: Brown, Mazurek, Rasmussen, Story.
Total 4

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Neuman moved adoption of the committee report.

HB 232 - Senator Regan moved that HB 232 be segregated from the Committee of the Whole Report. Motion carried.

Chairman Neuman moved the adoption of the committee report, as amended. Report adopted.

At the request of Senator Regan, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Regan moved that HB 232 be placed on second reading on the 54th legislative day, 3/11/87. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 11, 1987.

Motion carried.

Senate adjourned at 5:06 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 11, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-third legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

The Sergeant-at-Arms escorted Mrs. Tucker and representatives from the Big Sky Girl Scout Council to the well of the Senate where she spoke on the 75th Anniversary of the Girl Scouts.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/10/87

Correctly printed and placed on the members' desks:

SB 228	SB 389

Correctly enrolled:

SB 57	SB 80	SB 97	SB 98
SB 105	SB 112	SB 120	SB 123
SB 124	SB 125	SB 140	SB 171
SB 172	SB 182	SB 204	SB 242
SB 243	SB 255	SB 264	SJR 6

Signed by the President at 4:00 p.m., 3/10/87:

SB 2	SB 11	SB 16	SB 26
SB 72	SB 78	SB 84	SB 93
SB 153	SB 165	SR 2	SJR 3

Signed by the President at 4:55 p.m., 3/10/87:

HB 30	HB 51	HB 68	HB 88
HB 116	HB 126	HB 151	HB 230
HB 238	HB 281	HB 321	HB 427
HB 469	HB 484	HB 485	HB 508
HB 553	HJR 2		

Delivered to the Governor at 3:47 p.m., 3/11/87:

SB 2	SB 11	SB 16	SB 26
SB 72	SB 78	SB 84	SB 93
SB 153	SB 165	SJR 3	

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/10/87

HB 401, be concurred in. Report adopted.
HB 411, be concurred in. Report adopted.
HB 507, be concurred in. Report adopted.
HB 654, third reading copy, be amended as follows:

1. Page 2, line 23.
Strike: "16-4-201"
Insert: "16-4-105"

And, as amended, be concurred in. Report adopted.

HB 806, third reading copy, be amended as follows:

1. Page 8, line 22.
Strike: "domestic"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 3/10/87

HB 175, be concurred in. Report adopted.
HB 349, be concurred in. Report adopted.
HB 511, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman) 3/10/87

HB 183, be concurred in. Report adopted.
HB 210, third reading copy, be amended as follows:

1. Page 1, line 20.
Following: "shall"
Insert: "arrange to"
Following: "and"
Strike: "ARRANGE TO"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 3/10/87

HB 359, be concurred in. Report adopted.
HB 438, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 3/10/87

HB 249, be concurred in. Report adopted.
HB 345, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 3/7/87

HB 752, third reading copy, be amended as follows:

1. Title, line 5.
Following: "50-15-704,"
Insert: "53-21-166,"

2. Page 5, lines 18 through 20.
Following: "years"
Strike: remainder of line 18 through "(2)]" on line 20

3. Page 8, line 12.
Following: "who"
Insert: "has provided a written assurance that the information obtained will not be improperly disclosed and who"

4. Page 9, line 1.
Strike: "unless"
Insert: "if"

5. Page 9.
Following: line 1
Strike: "not"

6. Page 9, lines 3 through 6.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

7. Page 9, line 11.
Following: "practice,"
Strike: "unless"
Insert: "if"

8. Page 9, line 12.
Following: "provider"
Strike: "not"

9. Page 9, line 25.
Following: "from"
Strike: "redisclosure"
Insert: "improper disclosure"

10. Page 11, line 1.
Following: "information,"
Strike: "unless"
Insert: "if"

11. Page 11, line 2.
Following: "provider"
Strike: "not"

12. Page 14, line 12.
Following: "hours"
Strike: "and"
Insert: "or"

13. Page 21, lines 16 through 22.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

14. Page 25.
Following: line 4
Insert: "Section 28. Section 53-21-166, MCA, is amended to read:

"53-21-166. Records to be confidential — exceptions. All information obtained and records prepared in the course of providing any services under this part to individuals under any provision of this part shall be confidential and privileged matter. ~~Such~~ Except as provided in [sections 1 through 25] information and records may be disclosed only:

(1) in communications between qualified professional persons in the provision of services or appropriate referrals;

(2) when the recipient of services designates persons to whom information or records may be released, provided that if a recipient of services is a ward and his guardian or conservator designates in writing persons to whom records or information may be disclosed, such designation shall be valid in lieu of the designation by the recipient; except that nothing in this section shall be construed to compel a physician, psychologist, social worker, nurse, attorney, or other professional person to reveal information which has been given to him in confidence by members of a patient's family;

(3) to the extent necessary to make claims on behalf of a recipient of aid, insurance, or medical assistance to which he may be entitled;

(4) for research if the department has promulgated rules for the conduct of research; such rules shall include but not be limited to the requirement that all researchers must sign an oath of confidentiality;

(5) to the courts as necessary to the administration of justice;

(6) to persons authorized by an order of court, after notice and opportunity for hearing to the person to whom the record or information pertains and the custodian of the record or information pursuant to the rules of civil procedure;

(7) to members of the mental disabilities board of visitors or their agents when necessary to perform their functions as set out in 53-21-104.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

Adverse Committee Report

STATE ADMINISTRATION (Haffey, Chairman) 3/9/87

HB 767, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Eck.
Total 1

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

MESSAGES FROM THE GOVERNOR

The Honorable William Norman March 11, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bill No. 285 on this date.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 110, introduced by Thayer.

SB 218, introduced by Meyer.

SB 236, introduced by Walker.

House bills passed and transmitted to the Senate for concurrence:

HB 714, introduced by Connelly.

HB 760, introduced by Ream.

HB 777, introduced by Ream.

MOTIONS

Senator Aklestad moved that SB 12 be taken from the Committee on Taxation, printed, and placed on second reading on the 56th legislative day, 3/13/87. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Neuman, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Williams.
Total 32

Noes: Beck, Blaylock, Eck, Haffey, Halligan, Jacobson, Lybeck, Manning, Mazurek, Pinsoneault, Regan, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Williams moved that the Senate reconsider its action in indefinitely postponing HB 648. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Meyer, Neuman, Severson, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 32

Noes: Aklestad, Bishop, Blaylock, Brown, Eck, Harding, Himsl, Hofman, Keating, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Thayer, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: Hirsch.
Total 1

Senator Williams moved that the Senate request the return of HB 648 from the House and place it on second reading. Senator Williams made a substitute motion that the Senate request the return of HB 648 from the House and rerefer it to the Committee on Business and Industry. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hofman.
Total 1

Excused: None.
Total 0

Absent or not voting: Keating, Meyer.
Total 2

Senator Tveit moved that the Senate temporarily suspend the rules to reconsider its previous action on SB 308. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Farrell, Galt, Haffey, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 34

Noes: Blaylock, Brown, Crippen, Eck, Gage, Hager, Harding, Himsl, Hofman, Lybeck, Mazurek, Rasmussen, Regan, Severson, Weeding, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Tveit moved that SB 308 be referred to the Committee on Business and Industry. Motion carried.

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 396, introduced by Bengtson, Keenan, Koehnke. Referred to Committee on Highways and Transportation.

The following House bills were introduced, read first time, and referred to committees:

HB 714, introduced by Connelly, Vincent, Halligan, Kadas, Brandewie, Walker, Hirsch, Mazurek, E. Smith. Referred to Committee on Taxation.

HB 760, introduced by Ream, D. Brown, Halligan, Weeding, Quilici, Miles, Harper, Lory, Harrington, Iverson, Keenan, Moore, Spaeth, Menahan, Jacobson, Vincent, Squires, Hansen, Bradley (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Natural Resources.

HB 777, introduced by Ream, D. Brown, Quilici, Campbell, Harrington, Harper, Vincent, Blaylock, Iverson, Eck, Grady, Keating, Farrell, Winslow, Hannah (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Natural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 377 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 41

Noes: Beck, Blaylock, Farrell, Hager, Hirsch, Mazurek, McCallum, Neuman, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 21 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Blaylock, Gage, Kolstad, Lynch.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 58 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 65 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 77 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Neuman, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 79 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Hager, Story, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 81 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 82 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 118 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 139 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 162 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 186 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 36

Noes: Aklestad, Beck, Blaylock, Brown, Eck, Hager, Hammond, Himsl, Lybeck, Mazurek, Rasmussen, Regan, Weeding, Yellowtail.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 208 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 239 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Bishop.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 267 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Beck, Kolstad, Lynch, Neuman.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 290 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 433 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad.
Total 1

HB 446 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hager.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 452 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 620 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 706 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hirsch.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 749 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Bishop, Boylan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 374 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 40

Noes: Blaylock, Brown, Eck, Hager, Harding, Lybeck, Regan, Weeding, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

HJR 11 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 27 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 40

Noes: Aklestad, Blaylock, Brown, Eck, Haffey, Jacobson, Lybeck, Regan, Yellowtail, Mr. President.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thayer in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 66 - Senator Gage moved that SB 66 do pass. Motion carried as follows:

Ayes: Aklestad, Beck, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hofman, Jergeson, Keating, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Story, Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 31

Noes: Abrams, Blaylock, Jacobson, Lybeck, Lynch, Manning, Neuman, Van Valkenburg, Walker, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: Anderson, Bengtson, Hager, Hirsch, Kolstad, McLane, Smith, Stimatz, Thayer.
Total 9

SB 228 - Senator Van Valkenburg moved that SB 228 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Gage, Galt, Haffey, Hammond, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Brown, Farrell, Hager, Harding, Hofman, Lynch, Rasmussen, Smith, Thayer, Tveit.
Total 11

Excused: None.
Total 0

Absent or not voting: Halligan.
Total 1

SB 325 - Senator McCallum moved that SB 325 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 340 - Senator Severson moved that SB 340 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 46

Noes: Blaylock.
Total 1

Excused: None.
Total 0

Absent or not voting: Halligan, Williams, Mr. President.
Total 3

SB 383 - Senator Gage moved that SB 383, introduced bill, be amended as follows:

1. Title, line 11.
Strike: "12"
Insert: "24"

2. Page 9, line 14.
Strike: "12"
Insert: "24"

3. Page 22, line 9.
Strike: "12"
Insert: "24"

4. Page 22, line 15.
Strike: "12-MONTH"
Insert: "24-month"

Amendment passed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit.
Total 27

Noes: Abrams, Blaylock, Brown, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Eck.
Total 1

Senator Gage moved that SB 383, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer,

Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Williams.
Total 34

Noes: Abrams, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Lybeck, Manning, Neuman, Regan, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 389 - Senator McCallum moved that SB 389 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 46 - Senator Neuman moved that House amendments to SB 46 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in the Chair. Chairman Thayer moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 12, 1987.

Motion carried.

Senate adjourned at 6:37 p.m.

GEORGE MCCALLUM
President Pro Tempore
of the Senate

BONNIE WALLEM
Secretary of the Senate

FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 12, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-fourth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/12/87

Correctly printed and placed on the members' desks:
SB 12

Correctly engrossed:
SB 383

Considered correctly engrossed:

SB 66	SB 228	SB 325	SB 340
SB 389			

Correctly enrolled:

SB 110	SB 218	SB 236

Examined by the sponsors and found to be correct: 3/11/87

SB 57	Halligan
SB 80	Mazurek
SB 97	Thayer
SB 98	Lynch
SB 105	Himsl
SB 112	Mazurek
SB 120	Regan
SB 123	Harding
SB 124	Harding
SB 125	Harding
SB 140	Mazurek
SB 171	Yellowtail
SB 172	Yellowtail
SB 182	Meyer
SB 204	Thayer
SB 242	Lynch
SB 243	Vaughn
SB 255	Jacobson
SB 264	Himsl
SJR 6	Van Valkenburg

Signed by the President at 5:30 p.m., 3/11/87:

SB 57	SB 80	SB 97	SB 98
SB 105	SB 112	SB 120	SB 123
SB 124	SB 125	SB 140	SB 171
SB 172	SB 182	SB 204	SB 242
SB 243	SB 255	SB 264	SJR 6

Signed by the President at 1:55 p.m., 3/12/87:

HB 228	HB 254	HB 278	HB 440
HB 441			

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 3/11/87

HB 738, be concurred in. Report adopted.
HB 822, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/11/87

HB 94, be concurred in. Report adopted.
HB 505, be concurred in. Report adopted.
HB 569, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 3/11/87

HB 273, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/11/87

HB 53, be concurred in. Report adopted.
HB 123, third reading copy, be amended as follows:

1. Title, line 6.
Following: "~~BAR~~"
Insert: "OR QUALIFIED MEMBER OF THE STATE BAR"

2. Page 2, line 2.
Following: "~~STATE,~~"
Insert: "a member of the bar of the state,"

3. Page 2, line 3.
Following: "~~COURT,~~"
Insert: ", approved by the court,"

4. Page 2.
Following: line 22
Insert: "(1) a member of the bar of the state who meets the qualifications for judge of the district court as provided in 3-5-202;"
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 236, third reading copy, be amended as follows:

1. Title, line 7.
Following: "CIRCUMSTANCES;"
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, lines 18 and 19.
Following: "court" on line 18
Strike: remainder of line 18 through "RESIGNATION" on line 19

4. Page 3.
Following: line 2
Insert: "NEW SECTION. Section 5. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 396, be concurred in. Report adopted.
HB 558, be concurred in. Report adopted.
HB 664, be concurred in. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 3/10/87

HB 639, third reading copy, be amended as follows:

1. Page 1, line 17.
Strike: "county clerk and recorder"
Insert: "clerk of the district court"

2. Page 1, line 22.
Following: "employment;"
Insert: "or"

3. Page 1, lines 23 through 25.
Following: "attorney"
Strike: remainder of line 23 through "investigator" on line 25

4. Page 2, line 20.
Following: "fund"
Insert: "for district court operations, unless the county has a district court fund. If the county has a district court fund, the fee must be deposited in that fund"

5. Page 2.
Following: line 25
Insert: "NEW SECTION. Section 4. Training and certification of process servers. (1) The Montana law enforcement academy shall offer a course of instruction for process servers and levying officers at least twice during each calendar year after 1987. Each enrollee who completes the course and passes an examination administered by the law enforcement academy must be certified by the law enforcement academy as a trained process server and levying officer.

(2) Upon applying to the clerk of the district court of any county for registration as a process server, an applicant shall apply for admission to the law enforcement academy course described in subsection (1). Failure to enroll in and successfully complete this course within a year after receiving a certificate of registration is grounds for revocation of the certificate.

(3) Each process server who enrolls in the course described in subsection (1) shall pay a tuition fee to the law enforcement academy that is sufficient to pay his share of the costs of offering the course."
Renumber: subsequent sections

6. Page 3, line 2.
Following: "The"
Strike: "county clerk and recorder"
Insert: "clerk of the district court"

7. Page 3, line 4.
Following: "The"
Strike: "county clerk and recorder"
Insert: "clerk of the district court"

8. Page 3, line 10.
Following: "POSSESSION"
Strike: "A BADGE"
Insert: "an identification card"

9. Page 3, line 11.
Following: "AND"
Strike: remainder of line 11

10. Page 3, line 12.

Following: "SERVER."
Insert: "The clerk of the district court shall furnish the identification card, the cost of which must be reimbursed by the process server."

11. Page 3, line 13.
Following: "required."
Insert: "(1)"

12. Page 3, lines 13 and 14.
Following: "The"
Strike: "county clerk and recorder"
Insert: "clerk of the district court"

13. Page 3, line 16.
Following: "bond of"
Strike: "$2,000"
Insert: "$10,000 per individual or $100,000 per firm"

14. Page 3, line 17.
Following: "through"
Strike: "8"
Insert: "9"

15. Page 3.
Following: line 18
Insert: "(2) A levying officer may not levy on a judgment that exceeds the value of the bond."

16. Page 3, line 24.
Following: "section"
Strike: "5"
Insert: "6"

17. Page 4, lines 3 and 4.
Following: "county"
Strike: "clerk and recorder"
Insert: "attorney"

18. Page 4, line 8.
Strike: "clerk and recorder"
Insert: "attorney"

19. Page 4, line 11.
Following: "county"
Strike: "clerk and recorder"
Insert: "attorney"

20. Page 4, lines 16 through 20.
Strike: subsection (3) in its entirety
Insert: "(3) The county attorney shall notify the clerk of the district court when a certificate of registration is suspended, revoked, or reinstated."

21. Page 4, line 25.
Following: "section"
Strike: "4"
Insert: "5"

22. Page 13.
Following: line 25
Insert: "NEW SECTION. Section 29. Extension of authority. Any existing authority of the department of justice to make rules on the

subject of the provisions of this act is extended to the provisions of this act."

And, as amended, be concurred in. Report adopted.

HB 783, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 3/11/87
HB 246, be concurred in. Report adopted.
HB 370, be concurred in. Report adopted.
HB 404, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 3/11/87
HB 471, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "ACCREDITATION"
Strike: "OF"
Insert: "and"

2. Page 2.
Following: line 22
Insert: "(6) "General nutritional information" means information on:

(a) principles of good nutrition;

(b) foods to be included in a daily diet;

(c) the essential nutrients needed by the body;

(d) recommended amounts of these nutrients;

(e) the action of these nutrients on the body;

(f) the effects of deficiencies in these nutrients; or

(g) foods and supplements that are good sources of essential nutrients."
Renumber: subsequent subsections

3. Page 3, line 25.
Following: "[THIS ACT];"
Insert: "or"

4. Page 4, lines 4 and 5.
Following: "UNIVERSITY"
Strike: "; OR" through "COMMISSION"

5. Page 5, lines 24 and 25.
Following: "he"
Strike: ": (a)"
Following: "COMMISSION"
Strike: "; or"
Insert: "."

6. Page 6, lines 1 through 17.
Strike: subsections (b) and (2) in their entirety
Renumber: subsequent subsection

7. Page 7, line 19.
Following: "institution or"
Strike: "a chartered"
Insert: "an accredited"

8. Page 7, line 22 through line 2, page 8.
Strike: subsection (5) in its entirety
Renumber: subsequent subsections

9. Page 8, line 17.
Following: "public as a"
Strike: "dietician or a"

10. Page 11, line 25.
Following: "years"
Insert: ", except that for 5 years after [the effective date of this act] the number of years of licensure required for the nutritionist member is no greater than the number of years this act has been in effect."

And, as amended, be concurred in. Report adopted.

HB 541, be concurred in. Report adopted.
HB 555, be concurred in. Report adopted.
HB 615, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills not concurred in and returned to the Senate:

SB 24, introduced by Halligan.

SB 25, introduced by Gage.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 46, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 3 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 37 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 64 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Farrell, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 67 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Brown, Lybeck, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 93 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Thayer.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 129 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 130 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 131 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hager, Kolstad.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 189 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Blaylock, Brown, Hager, Lybeck, Neuman.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 235 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 248 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 326 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Kolstad, Van Valkenburg.
Total 2

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

HB 476 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 42

Noes: Bishop, Brown, Harding, Hofman, Lybeck, Pinsoneault, Weeding.
Total 7

Excused: None.
Total 0

Absent or not voting: Beck.
Total 1

HB 489 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 563 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 635 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 692 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 734 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 397, introduced by McCallum (By Request of the Senate Taxation Committee). Referred to Committee on Natural Resources.

At the request of Senator McCallum, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:24 p.m.

Senate reconvened at 4:11 p.m.

Senator Hammond excused at this time.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Regan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 142 - Senator Blaylock moved that HB 142 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 143 - Senator Hirsch moved that HB 143, third reading copy, be amended as follows:

1. Page 12, line 13.
Following: "agricultural purposes."
Insert: "When the otherwise subject wages are paid by the employing unit for the purpose of providing outfitter and guide services, the agricultural wages are not covered."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Blaylock moved that HB 143, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 197 - Senator Pinsoneault moved that HB 197 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 232 - Senator Meyer moved that HB 232 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 301 - Senator Pinsoneault moved that HB 301 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Eck, Gage, Galt, Haffey, Halligan, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, McLane, Meyer, Pinsoneault, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 27

Noes: Aklestad, Bishop, Blaylock, Crippen, Farrell, Hager, Harding, Himsl, Hirsch, Kolstad, McCallum, Neuman, Thayer, Mr. President.
Total 14

Excused: Hammond.
Total 1

Absent or not voting: Boylan, Brown, Lynch, Mazurek, Rasmussen, Smith, Tveit, Williams.
Total 8

HB 308 - Senator Lynch moved that HB 308 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 335 - Senator Mazurek moved that HB 335, third reading copy, be amended as follows:

1. Title, line 7.
Following: ";"
Insert: "ALLOWING CERTAIN FORMS OF IMPOUNDING MOTOR VEHICLES;"

2. Senate Judiciary Standing Committee Report, dated 3/5/87, amendment #4.
Insert: "(2) A local government may by ordinance allow a private parking service to impound a motor vehicle. A motor vehicle may not be impounded by attaching a device that makes the motor vehicle immobile.

(3)"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Meyer moved that HB 335, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Gage, Jacobson, McCallum, Mr. President.
Total 4

HB 343 - Senator Stimatz moved that HB 343 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 413 - Senator Beck moved that HB 413 be concurred in. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Boylan, Brown, Farrell, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Anderson, Bishop, Blaylock, Crippen, Eck, Hirsch, Kolstad, Lynch, Regan, Stimatz, Walker.
Total 12

Excused: Hammond.
Total 1

Absent or not voting: Gage, Smith, Tveit.
Total 3

HB 439 - Senator Thayer moved that HB 439 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 624 - Senator Walker moved that HB 624 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 117 - Senator Brown moved that HB 117 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 516 - Senator Bengtson moved that HB 516 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.

Total 1

Absent or not voting: None.
Total 0

HB 517 - Senator Bengtson moved that HB 517 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 585 - Senator Williams moved that HB 585 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 591 - Senator Lybeck moved that HB 591, third reading copy, be amended as follows:

1. Senate Agriculture, Livestock, and Irrigation Standing Committee Report, dated 3/6/87.
Strike: "OR" and "or" in amendments #1 and #2
Insert: "AND" and "and" respectively

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Lybeck moved that HB 591, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 682 - Senator Aklestad moved that consideration on HB 682 be passed. Motion carried.

HB 691 - Senator Neuman moved that HB 691 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 717 - Senator Mazurek moved that HB 717 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HJR 14 - Senator Weeding moved that HJR 14 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Regan moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Lybeck moved that SB 383 be taken from third reading and placed on second reading on the 56th legislative day, 3/13/87.

Senator Smith excused at this time.

Senator Lynch moved the previous question. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Galt, Hirsch, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Beck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Keating, Kolstad, McLane, Rasmussen, Story, Thayer.
Total 16

Excused: Hammond, Smith.
Total 2

Absent or not voting: Boylan, Jacobson.

Total 2

Senator Lybeck's motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Boylan, Brown, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Noes: Aklestad, Anderson, Bishop, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 23

Paired: Jacobson, Van Valkenburg, Ayes; Hammond, Smith, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 13, 1987.

Motion carried.

Senate adjourned at 5:58 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

[illegible]

Abdnor, Bishop, [illegible], Dorsey, [illegible], Lewis, McCallum, McGillis, Hilsel, Holman, Keating, Soiseth, McCallum, [illegible]yer, Rasmussen, Severson, Smith, Story, Thayer, Twiet, [illegible]

MOV[illegible] 2 [illegible] Weeding moved that bill 14 be concurred [illegible]

[illegible] carried as follows:

[illegible] Jacobson, [illegible] Ayes, Hamm[illegible] Smith, Voss, [illegible]

Ayes: Abrams, [illegible] Anderson, [illegible], Bishop, Blo[illegible], Brown, Crippen, Eck, Farrell, Gage, Galt, Halley, [illegible], Harding, Hilsel, Hirsch, Hofman, Jacobson, Jensen, Keating, Mc[illegible], Lewis, Lynch, Mazurek, McCallum, McCallum, Moore, Ne[illegible], Pinconeault, Rasmussen, Regan, Severson, Smith, Spaeth, Stout, Story, [illegible], Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Nays: None.

Absent or not voting: None.

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 8:00 [illegible] April 13, 1987.

Motion carried.

Senate adjourned at 5:55 p.m.

BILL NOTICE

Senator [illegible] moved that the committee on the Senate [illegible] Mason carried. Committee areas. Senate recessed. Mr. President in the [illegible]. Chairman Hagen moved the adoption of [illegible]

Report adopted.

Secretary of the Senate

At the request of the President, and without objection, the Senate [illegible] to Order of Business No. 6.

MOTIONS

Senator [illegible] moved that SF 553 be taken from third reading and placed on second reading on the 56th legislative day, 3/13/87.

Senator Smith seconded at this time [illegible]

Senator Lynch moved the previous question. Motion carried as follows:

Ayes: Abrams, Anderson, Bergeson, Bishop, Blaylock, Brown, [illegible], Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, McCallum, Moore, Hofman, Pinconeault, Regan, Severson, Stout, Thayer, Twiet, Vankenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.

Total 30

Nays: Abdnor, Beck, Farrell, Gage, Galt, Halley, Hagen, Hansen, Holmes, Keating, Kolstad, [illegible] Rasmussen.

Total 16

FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 13, 1987

Senate Chambers
State Capitol

Senate convened at 3:06 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-fifth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/13/87

Correctly enrolled:
SB 46

Examined by the sponsors and found to be correct: 3/12/87

SB 46	Neuman
SB 110	Thayer
SB 218	Meyer
SB 236	Walker

Signed by the President at 4:22 p.m., 3/12/87:

HB 223	HB 320	HB 587	HB 625
HB 646			

Signed by the President at 4:59 p.m., 3/12/87:

SB 110	SB 218	SB 236

Signed by the President at 8:30 a.m., 3/13/87:
SB 46

Delivered to the Governor at 3:32 p.m., 3/12/87:

SB 57	SB 80	SB 97	SB 98
SB 105	SB 112	SB 120	SB 123
SB 124	SB 125	SB 140	SB 171
SB 172	SB 182	SB 204	SB 242
SB 243	SB 255	SB 264	

Delivered to the Governor at 10:15 a.m., 3/13/87:
SB 46

Delivered to the Secretary of State at 3:32 p.m., 3/12/87:
SJR 6

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman)

HB 165, be concurred in. Report adopted. 3/12/87

HB 240, be concurred in. Report adopted. 3/12/87

HB 443, third reading copy, be amended as follows: 3/11/87

1. Statement of intent, line 9.
Following: "licensees."
Insert: "Using the ethical standards of the american psychological association as a guide, the board shall adopt rules consistent with its duty to protect the public's health, safety, and welfare."

And, as amended, be concurred in. Report adopted.

HB 499, be concurred in. Report adopted. 3/12/87
HB 803 - Committee adopted the following statement of intent:

Statement of Intent
HB 803

(1) A statement of intent is required for this bill because:
(a) section 17 authorizes the commissioner of insurance to determine by rule the instances in which a property and casualty insurance agent may place insurance coverage with an insurer as to which he is not then licensed or appointed as an agent;
(b) section 18 authorizes the commissioner to determine the instances in which a life or disability insurance agent may place excess or rejected risks in an insurer who has not appointed him as agent; and
(c) section 2 authorizes the commissioner to prescribe by rule and make available the forms required in connection with an application for an insurance agent license.
(2) The legislature intends that the rules that the commissioner adopts to implement this bill be designed to protect Montana insurance consumers.
(3) The legislature further intends that the commissioner adopt those rules in accordance with 33-1-313, which grants the commissioner general rulemaking authority and which permits the commissioner:
(a) to make only reasonable rules that do not extend, modify, or conflict with any law of this state or with any reasonable implication of those laws; and
(b) to make or amend those rules only after a hearing of which notice has been given as required by 33-1-703.

Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman)
3/12/87

HB 121, third reading copy, be amended as follows:

1. Page 3, line 2.
Strike: "40"
Insert: "20 days or more than 30"

2. Page 3, line 5.
Following: "(II)"
Strike: "IF THERE IS NO NEWSPAPER OF GENERAL CIRCULATION,"

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman) 3/12/87
HB 266, be concurred in. Report adopted.
HB 298, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 3/12/87
SB 396 - Committee adopted the following statement of intent:

Statement of Intent
SB 396

A statement of intent is required for this bill because section 15 grants the department of highways authority to adopt rules to implement the provisions of this act.
It is the intent of the legislature that the department have discretion to adopt rules that will result in a motorist information sign program that will

aid the traveling public in locating gas, food, lodging, camping, recreation, and tourist services that are conveniently accessible from the interstate and primary highways within the state. Such rules should supplement and interpret the provisions of this act.

In adopting rules, the department should develop a policy for installation of motorist information signs. This policy, as a minimum, should include criteria for:

(1) distances to eligible services;

(2) selection of eligible businesses for motorist information signing;

(3) location of motorist information signs at interchanges or intersections, in accordance with federal standards;

(4) standards for the size, design, installation, and maintenance of motorist information signs; and

(5) the costs to businesses for installation, annual maintenance, and repair of business signs.

It is intended that the department may require additional terms and conditions relating to issuance of a franchise for operation of the motorist information sign program. Such additional requirements may relate to termination of a franchise agreement and to the posting of a contractor's bond for sign construction and maintenance.

Finally, the department should consider the success of motorist information sign programs established in the states of Idaho and Washington, as well as the logo sign franchise program established in the state of Minnesota.

Report adopted.

HB 506, be concurred in. Report adopted.
HB 580, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 3/12/87

HB 640, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "14"
Insert: "30"

2. Page 1, line 13.
Strike: "14"
Insert: "30"

3. Page 1, line 16.
Strike: "14"
Insert: "30"

And, as amended, be concurred in. Report adopted.

HB 689, be concurred in. Report adopted.
HB 699, third reading copy, be amended as follows:

1. Title, line 5.
Following: "EXCLUDE"
Insert: "CERTAIN NEWSPAPER"

2. Title.
Following: line 5
Strike: "MEDIA OUTSIDE"

3. Page 3, lines 10 through 13.
Strike: subsection (d) in its entirety
Insert: "(d) an outside salesman paid on a commission or contract basis who is primarily employed in selling advertising for a newspaper;"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 3/12/87

HB 579, third reading copy, be amended as follows:

1. Page 1, line 15.
Following: "(1)"
Strike: "The"
Insert: "Upon receipt of a petition signed by at least 30 owners of real property in the proposed service area, or by a majority of the owners of real property if there are no more than 30 owners of real property in the proposed service area, the"

2. Page 1, line 16.
Following: "establish"
Strike: "one or more"
Insert: "a"
Following: "~~districts in~~"
Strike: "AREAS"
Insert: "area"
Following: "WITHIN"
Insert: "an"

3. Page 1, line 17.
Following: "UNINCORPORATED"
Strike: "AREAS"
Insert: "area"

4. Page 2, line 9.
Strike: "(e)"
Insert: "(d)"

5. Page 3, line 2.
Following: "AREA"
Insert: ", and any assets remaining after all indebtedness has been satisfied must be returned to the owners of property within the area"

6. Page 3, line 6.
Strike: "(a)"
Insert: "(1)"

7. Page 3, line 9.
Strike: "(b)"
Insert: "(2)"

8. Page 3.
Following: line 10
Insert: "Section 3. Operation of fire districts. (1) Whenever the board of county commissioners has established a fire service area, the commissioners may:

(a) govern and manage the affairs of the area; or

(b) appoint five qualified trustees to govern and manage the affairs of the area.

(2) If the commissioners appoint trustees under subsection (1), the provisions of 7-33-2105 and 7-33-2106 shall apply, except that the trustees shall prepare annual budgets and request a schedule of rates therefor."
Renumber: subsequent sections

9. Page 4, line 2.

Following: "commissioners"
Insert: "or the trustees, if the commissioners have appointed trustees under [section 3],"

10. Page 4, line 6.
Following: "7% of the"
Strike: "assessed"
Insert: "taxable"

And, as amended, be concurred in. Report adopted.

HB 589, be concurred in. Report adopted.
HB 722, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 3/13/87
SB 384, introduced bill, be amended as follows:

1. Page 5, line 7.
Following: "effective"
Strike: "on July 1, 1987,"
Insert: "when sufficient revenue is collected and dedicated to the replacement of revenue that would be lost as a result of this act"

And, as amended, do pass. Report adopted.

SB 390, introduced bill, be amended as follows:

1. Title, line 9.
Following: "AND"
Strike: "AN"

2. Title, line 10.
Strike: "DATE"
Insert: "DATES"

3. Page 7, line 3.
Following: "(2)"
Strike: "This"
Insert: "Except as provided in subsection (3), this"

4. Page 7.
Following: line 4
Insert: "(3) Section 1(1)(a) of this act applies retroactively, within the meaning of 1-2-109, to taxable years beginning after December 31, 1986."

And, as amended, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 35, introduced by Smith.

SB 238, introduced by Beck.

SB 273, introduced by Regan.

SB 281, introduced by Beck.

SJR 4, introduced by Keating.

Senate bills not concurred in and returned to the Senate:

SB 135, introduced by Bishop.

Senate bills concurred in, as amended, and returned to the Senate:

SB 21, introduced by Story.

SB 83, introduced by Mazurek.

SB 138, introduced by Hager.

SB 267, introduced by Van Valkenburg.

SB 276, introduced by Pinsoneault.

SB 379, introduced by Yellowtail.

SJR 1, introduced by Gage.

House bills passed and transmitted to the Senate for concurrence:

HB 385, introduced by Kadas.

HB 492, introduced by Miles.

HB 607, introduced by Keenan.

HB 611, introduced by D. Brown.

HB 660, introduced by Peck.

HB 703, introduced by Gilbert.

HB 817, introduced by Glaser.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 66 passed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Abrams, Lybeck, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: Haffey.
Total 1

SB 228 passed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Gage, Galt, Haffey, Halligan, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Brown, Eck, Farrell, Hager, Hammond, Harding, Lynch, Rasmussen, Smith, Thayer, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 325 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Himsl.
Total 1

SB 340 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Blaylock.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 389 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Bishop, Kolstad, Severson, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:19 p.m.

Senate reconvened at 3:33 p.m.

Senator Van Valkenburg moved that the rules be temporarily suspended in order to allow any Senate bills that pass second reading on the 58th legislative day to advance to third reading on that same day. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Neuman moved that SB 307, as amended, be taken from the Committee on Taxation, printed, and placed on second reading on the 57th legislative day. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 12 - Senator Aklestad moved that SB 12 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Smith, Story, Thayer, Tveit.
Total 28

Noes: Blaylock, Eck, Haffey, Halligan, Himsl, Jacobson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: Hager, Williams.
Total 2

SB 383 - Senator Lybeck moved that SB 383, third reading copy, be amended as follows:

1. Title, line 11.
Strike: "24"
Insert: "12"

2. Page 9, line 14.
Strike: "24"
Insert: "12"

3. Page 22, line 9.
Strike: "24"
Insert: "12"

4. Page 22, line 16.
Strike: "24-MONTH"
Insert: "12-month"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved that SB 383, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 19 - Senator Thayer moved that HB 19, third reading copy, be amended as follows:

1. Senate Judiciary Standing Committee Report, dated 3/9/87, amendment #4.
Strike: "$6,000"
Insert: "$4,500"

2. Senate Judiciary Standing Committee Report, dated 3/9/87, amendment #5.
Strike: "$2,500"
Insert: "$1,200"

Amendment passed as follows:

Ayes: Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, McCallum, Meyer, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 33

Noes: Abrams, Bengtson, Bishop, Crippen, Harding, Lybeck, Mazurek, Pinsoneault, Story, Weeding, Yellowtail.
Total 11

Excused: None.
Total 0

Absent or not voting: Hirsch, Kolstad, McLane, Neuman, Smith, Williams.
Total 6

Senator Thayer moved that HB 19, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 196 - Senator Rasmussen moved that HB 196 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 388 - Senator Weeding moved that HB 388 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 408 - Senator Galt moved that HB 408 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 450 - Senator Lynch moved that HB 450 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 461 - Senator Boylan moved that HB 461 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 536 - Senator Hager moved that HB 536 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 682 - Senator Hammond moved that HB 682 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 747 - Senator Harding moved that HB 747 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 755 - Senator Vaughn moved that HB 755 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 792 - Senator Hofman moved that HB 792, third reading copy, be amended as follows:

1. Senate State Administration Standing Committee Report, dated 3/10/87, amendment #2.
Strike: "lodgings"
Insert: "lodging"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hofman moved that HB 792, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 815 - Senator Bengtson moved that HB 815 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/13/87

SB 308, second reading copy, be amended as follows:

1. Title, line 10.
Strike: "GOVERNING BODY OR"

2. Page 1, line 25.
Following: "~~if,~~"
Insert: "if,"
Following: "upon"
Strike: ":"

3. Page 2, lines 1 through 3.
Strike: subsection (I) in its entirety

4. Page 2, line 4.
Strike: "(II)"

5. Page 2, line 5.
Strike: "AND"

6. Page 3, lines 8 through 10.
Strike: "AN" on line 8 through "REVENUE" on line 10
Insert: "been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable products"

7. Page 3, lines 19 through 21.
Strike: "DOES NOT" on line 19 through "REVENUE" on line 21
Insert: "have been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable product without such license having first been obtained"

And, as amended, do pass. Report adopted.

MOTIONS

Senator Williams excused at this time.

Senator Boylan moved that SB 388 be taken from the Committee on Labor and Employment Relations, printed, and placed on second reading on the 57th legislative day, 3/13/87. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, McCallum, Meyer, Pinsoneault, Severson, Smith, Story, Tveit, Van Valkenburg.
Total 24

Noes: Abrams, Bengtson, Blaylock, Brown, Eck, Haffey, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McLane, Neuman, Rasmussen, Regan, Stimatz, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Paired: Hofman, Aye; Williams, No.

Excused: None.
Total 0

Absent or not voting: Lynch.
Total 1

Senator Van Valkenburg moved that the Secretary of the Senate be authorized to have 100 copies of SB 307 printed, as amended in the Taxation Committee, for distribution of 50 copies to the Senators. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 10:00 a.m., March 14, 1987.

Motion carried.

Senate adjourned at 6:12 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 14, 1987

Senate Chambers
State Capitol

Senate convened at 10:06 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-sixth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/14/87
Correctly printed and placed on the members' desks:
SB 308 SB 384 SB 390 SB 396
Considered correctly engrossed:
SB 12

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 3/13/87

HB 669, be concurred in. Report adopted.
HJR 36, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman)
HB 163, third reading copy, be amended as follows: 3/13/87

1. Page 2, line 7.
Following: "~~degree~~"
Insert: "appreciably"

And, as amended, be concurred in. Report adopted.

HB 188, be concurred in. Report adopted. 3/13/87
HB 256, be concurred in. Report adopted. 3/11/87
HB 546, third reading copy, be amended as follows: 3/13/87

1. Page 1, lines 16 and 17.
Following: "$500" on line 16
Strike: remainder of line 16 through "AND" on line 17
Insert: "or"

2. Page 3, line 20.
Following: "liability"
Insert: "as provided in 45-2-104"

3. Page 4, line 4.
Following: "liability"
Insert: "as provided in 45-2-104"

And, as amended, be concurred in. Report adopted.

HB 605, be concurred in. Report adopted. 3/13/87
HJR 13, be concurred in. Report adopted. 3/13/87

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 3/14/87
Recommend that at the close of business March 14, 1987, employment of the following be terminated:

Brian Aklestad ..... Page
Susie Thomas ..... Page
Clay Crippen ..... Page
Mike Lockrem ..... Page
Kip Fladland ..... Page
Kymberli Popham ..... Page
Tammy Castillo ..... Page
Marla Burnham ..... Page

Report adopted.

NATURAL RESOURCES (Keating, Chairman) 3/13/87
SB 397, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable William Norman March 13, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 26, 31, 32, 46, 75, 76 and 227 on this date.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

HB 5, introduced by Thoft.

The House, on 3/13/87, acceded to the request of the Senate and returned HB 648 for further consideration.

MOTIONS

Senator McLane moved that HB 752 be taken from second reading this day and placed on second reading on the 59th legislative day, 3/17/87. Motion carried.

Senator Meyer moved that HB 806 be taken from second reading this day and placed on second reading on the 59th legislative day, 3/17/87. Motion carried.

Senator Boylan moved that the Senate reconsider its previous action on SB 388. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Tveit.
Total 26

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Neuman, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Boylan moved that SB 388, as amended, be taken from the table in the Committee on Labor and Employment Relations, printed, and placed on second reading on the 57th legislative day, 3/16/87. Senator Kolstad made a substitute motion that SB 388 be printed and placed on second reading this legislative day. Substitute motion failed as follows:

Ayes: Aklestad, Beck, Boylan, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Smith, Story, Tveit.
Total 23

Noes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Boylan's motion passed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Farrell, Gage, Galt, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Tveit, Van Valkenburg, Walker, Weeding.
Total 31

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Hager, Himsl, Jergeson, Lybeck, Manning, Regan, Stimatz, Thayer, Vaughn, Williams, Yellowtail, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 5, introduced by Thoft (By Request of the Department of Administration). Referred to Committee on Finance and Claims.

HB 385, introduced by Kadas, Nisbet, Phillips, Patterson. Referred to Committee on Highways and Transportation.

HB 492, introduced by Miles, Harp (By Request of the Department of Justice). Referred to Committee on Local Government.

HB 607, introduced by Keenan, Stang, Schye, Menahan, Winslow, Nathe, Whalen, Quilici, Harp, Fritz, Cohen, Pavlovich, Haffey. Referred to Committee on Finance and Claims.

HB 611, introduced by D. Brown, Donaldson, Iverson, Walker, Norman, Stimatz, Ellison, Bradley, Jacobson, Vincent, Harrington, Van Valkenburg, Eck, Lynch, Pinsoneault, Halligan, Rasmussen, Crippen, Farrell, B. Brown, Squires, Menahan, Ramirez, Pavlovich, Daily, Quilici, Boylan. Referred to Committee on Finance and Claims.

HB 660, introduced by Peck, Nathe, McCallum, Bengtson. Referred to Committee on Finance and Claims.

HB 817, introduced by Glaser, Driscoll, Cohen, Simon (By Request of the House Committee on Business and Labor). Referred to Committee on Business and Industry.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 117 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 142 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Hammond, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 143 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 197 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Boylan, Hager, Kolstad, Neuman, Smith, Story, Yellowtail.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 232 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 301 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 308 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 335 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: Kolstad, Weeding.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 343 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 413 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Brown, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 40

Noes: Aklestad, Bishop, Blaylock, Crippen, Eck, Kolstad, Lynch, Regan, Stimatz, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 439 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 516 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 517 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 585 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 591 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Harding.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 624 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 691 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 717 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 14 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 10:53 a.m.

Senate reconvened at 11:37 a.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/14/87
Delivered to the Governor at 11:30 a.m., 3/14/87:
SB 110 SB 218 SB 236

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 308 - Senator Weeding moved that SB 308, second reading copy, be amended as follows:

1. Page 2, line 23.
Following: "is"
Strike: "$5"
Insert: "$2"

2. Page 3, line 1.
Following: "holds"
Strike: "five"
Insert: "two"

The Chair ruled that Senator Weeding's amendment be divided.

Amendment #1 passed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Lybeck, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 33

Noes: Anderson, Boylan, Galt, Haffey, Halligan, Jacobson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Severson, Smith, Tveit, Williams.
Total 16

Excused: None.
Total 0

Absent or not voting: Stimatz.
Total 1

Amendment #2 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Harding moved that SB 308, second reading copy, be further amended as follows:

1. Page 4, line 8.
Following: "STATE"
Strike: "GENERAL"
Insert: "special revenue"

2. Page 4, line 9.
Following: "FUND"
Insert: "to the credit of the department of social and rehabilitation services to be used for obtaining matching federal funds for aid to families with dependent children"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Harding, Himsl, Hirsch, Hofman, Jergeson, Kolstad, Lybeck, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Vaughn, Weeding.
Total 29

Noes: Beck, Boylan, Haffey, Halligan, Hammond, Jacobson, Keating, Lynch, Manning, Mazurek, Meyer, Neuman, Severson, Smith, Story, Tveit, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Tveit moved that SB 308, as amended, do pass. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Boylan, Galt, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Smith, Stimatz, Story, Tveit, Walker, Williams, Mr. President.

Total 23

Noes: Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hofman, Lybeck, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Brown moved that SB 308 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Lybeck, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 30

Noes: Abrams, Anderson, Boylan, Galt, Haffey, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Smith, Stimatz, Story, Tveit, Walker, Williams.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess until 2:15 p.m. Motion carried.

Senate recessed at 12:43 p.m.

Senate reconvened at 2:17 p.m.

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair.

Senate recessed at 2:19 p.m.

Senate reconvened at 2:48 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/14/87
Correctly engrossed:
SB 383

Report adopted.

MOTIONS

Senator Van Valkenburg moved that SB 384 be taken from second reading this day and rereferred to the Committee on Taxation. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 703, introduced by Gilbert, Thayer, Iverson, Hirsch, Manuel, Crippen, Lynch, J. Brown, D. Brown, Wallin, Poulsen, Bengtson, Sands, Tveit, C. Smith. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 390 - Senator McCallum moved that SB 390 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 396 - Senator Bengtson moved that SB 396 do pass. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McLane, Meyer, Pinsoneault, Regan, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 33

Noes: Aklestad, Beck, Hager, Hammond, Himsl, Hirsch, Lybeck, Manning, Neuman, Rasmussen, Severson, Tveit, Yellowtail, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: Bishop, Boylan, McCallum.
Total 3

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 16, 1987.

Motion carried.

Senate adjourned at 4:00 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 16, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-seventh legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/16/87

Correctly printed and placed on the members' desks:
SB 388 SB 397
Considered correctly engrossed:
SB 390 SB 396
Correctly enrolled:
SB 35
Examined by the sponsor and found to be correct:
SB 35 E. Smith
Signed by the President at 3:45 p.m., 3/14/87:

HB 58	HB 65	HB 77	HB 79
HB 82	HB 118	HB 139	HB 162
HB 186	HB 208	HB 239	HB 290
HB 433	HB 446	HB 620	HB 706
HB 749	HJR 11	HJR 27	

Signed by the President at 3:38 p.m., 3/16/87:
SB 35

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 3/13/87

HB 220, third reading copy, be amended as follows:

1. Statement of intent, page 1, line 18.
Strike: "annual and"

2. Page 4, line 19.
Strike: "(a)"

3. Page 4, line 20.
Strike: "and other noxious weeds"
Insert: "plants"

4. Page 5, line 1.
Strike: "(i)"
Insert: "(a)"
Strike: "and"

5. Page 5, line 2.
Strike: "(ii)"
Insert: "(b)"
Strike: "."
Insert: "; and"

6. Page 5, lines 3 through 5.
Strike: subsection (b) in its entirety
Insert: "(c) plants that are designated by rule of the department as prohibited noxious weeds."

7. Page 10, line 25.
Strike: "under 80-5-105"
Insert: "by rule"

8. Page 23, line 18.
Strike: "person"
Insert: "grain producer"

9. Page 28.
Following: line 5
Insert: "NEW SECTION. Section 21. Codification instruction. Sections 1, 17, and 18 are intended to be codified as an integral part of Title 80, chapter 5, and the provisions of Title 80, chapter 5, apply to sections 1, 17, and 18."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 779, third reading copy, be amended as follows:

1. Page 1, lines 18 through 21.
Following: "(c)"
Strike: remainder of line 18 through "property" on line 21
Insert: "records of ownership prepared by licensed title insurance agents"

And, as amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/13/87
HB 180, be concurred in. Report adopted.
HB 242, be concurred in. Report adopted.
HB 389, be concurred in. Report adopted.
HB 473, be concurred in. Report adopted.
HB 574, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 3/16/87
Recommend that at the beginning of business March 16, 1987, the following be employed:

Melinda Wellman.....Page
Stacey Brandt.....Page
Wendy Jacobson.....Page
Hennry Gary.....Page
Daniel Marden.....Page
Sandra Hollow.....Page
Merry Schlenker.....Page
Joy Sturgis.....Page

Report adopted.

NATURAL RESOURCES (Keating, Chairman) 3/13/87
HJR 19, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/13/87
HB 721, third reading copy, be amended as follows:

1. Title, line 9.
Following: "MEET"

Strike: "IN ANNUAL SESSIONS"
Following: "FOR"
Strike: "60"
Insert: "50"

2. Page 1, line 23.
Following: "than"
Strike: "60"
Insert: "50"

3. Page 2, line 5.
Following: "members of"
Insert: "each house of"

4. Page 2, line 10.
Following: "members of"
Insert: "each house of"

5. Page 2, line 11.
Following: "legislature."
Insert: "No bill introduced for consideration in one session of the legislature may be carried over for consideration in any other session."

6. Page 2, lines 23 and 24.
Following: "meet" on line 23
Strike: remainder of line 23 through "sessions" on line 24
Insert: "each year, with limitations on business to be conducted"

7. Page 2, line 25 through page 3, line 1.
Following: "meet" on line 25
Strike: remainder of line 25 through "sessions" on page 3, line 1
Insert: "each year, with limitations on business to be conducted"

And, as amended, be concurred in. Report adopted.

Adverse Committee Reports

JUDICIARY (Mazurek, Chairman) 3/13/87

HB 435, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Galt, Kolstad.
Total 2

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

HB 800, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: McCallum, Yellowtail.
Total 2

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

March 16, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 2, 11, 16, 57, 72, 78, 80, 84, 93, 97, 98, 105, 112, 120, 123, 124, 125, 140, 153, 165, 171, 172, 182, 204, 242, 255, and 264 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

March 13, 1987

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 386, "AN ACT TO CLARIFY THE RULEMAKING AUTHORITY OF THE BOARD OF CHIROPRACTORS; TO ESTABLISH INACTIVE STATUS REQUIREMENTS AND FEES FOR INACTIVE STATUS; AMENDING SECTIONS 37-12-201, 37-12-307, AND 37-12-309, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendments for the following reasons.

Article V, Section 11 (3) of the Montana Constitution requires that the subject of a bill be clearly expressed in the title. Section 37-12-309, MCA, prohibits municipalities and other political subdivisions from imposing license taxes or fees upon doctors of chiropractic as a condition to the practice of their profession. Section 3 of House Bill No. 386 would extend

this prohibition to local governments with self-governing powers. The title of the House Bill No. 386 does not, however, reflect this amendment.

Also, section 37-12-201 (2), MCA, currently limits the Board of Chiropractors to no more than four meetings a year. Although section 1 of House Bill No. 386 would eliminate this limitation, the title of the bill does not reflect this change in the statute.

My proposed amendments make the necessary changes in the title. I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

Governor's Amendments
to House Bill No. 386
Reference Copy

1. Title, line 5.
Following: "ENTITLED: "AN ACT"
Insert: "TO ALLOW THE BOARD OF CHIROPRACTORS TO HOLD MORE THAN FOUR MEETINGS A YEAR;"

2. Title, line 6.
Following: "BOARD"
Strike: "OF CHIROPRACTORS"

3. Title, line 8.
Following: "STATUS;"
Insert: "PROHIBITING LOCAL GOVERNMENTS WITH SELF-GOVERNING POWERS FROM IMPOSING LICENSING FEES OR TAXES ON CHIROPRACTORS;"

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

March 16, 1987

Dear President Norman:

I respectfully submit for confirmation by the Montana State Senate, the attached list of appointments.

Sincerely,

Ted Schwinden
Governor

As members of the Board of Aeronautics in accordance with Section No. 2-15-1812, MCA.

Mr. Al Cochrane, Bigfork, Montana 59911, appointed for a term ending 1/1/91.

Mr. Terry D. Marshall, Billings, Montana 59101, reappointed for a term ending 1/1/91.

Mr. Myron K. Strand, Kalispell, Montana 59901, reappointed for a term ending 1/1/91.

Mr. C.R. Ugrin, Miles City, Montana 59301, reappointed for a term ending 1/1/91.

As members of the Agricultural Loan Authority in accordance with Section No. 2-15-3011, MCA.

Mr. Dennis L. DeVries, Polson, Montana 59860, reappointed for a term ending 1/1/91.

Mr. C. David Gorton, Billings, Montana 59101, reappointed for a term ending 1/1/91.

Mr. Terry Murphy, Great Falls, Montana 59404, reappointed for a term ending 1/1/91.

Mr. Paul T. Ringling, Miles City, Montana 59301, reappointed for a term ending 1/1/91.

As members of the Board of Chiropractors in accordance with Section No. 2-15-1847, MCA.

Dr. Deborah Sorenson, White Sulphur Springs, Montana 59645, appointed for a term ending 1/9/90.

As members of the Board of Crime Control in accordance with Section No. 2-15-2006, MCA.

Mr. Craig J. Anderson, Glendive, Montana 59330, appointed for a term ending 1/1/91.

Sheriff Robert Butorovich, Butte, Montana 59701, appointed for a term ending 1/2/89.

Ms. Andree Deligdisch, Great Falls, Montana 59401, reappointed for a term ending 1/1/91.

Attorney General Mike Greeley, Helena, Montana 59620, reappointed for a term ending 1/1/91.

Mr. Frank W. Hazelbaker, Polson, Montana 59860, reappointed for a term ending 1/1/91.

Senator Matt A. Himsl, Kalispell, Montana 59901, reappointed for a term ending 1/1/91.

Mr. Donald R. Peoples, Butte, Montana 59701, reappointed for a term ending 1/1/91.

As members of the Fish and Game Commission in accordance with Section No. 2-15-3402, MCA.

Mr. F.W. Howell, West Yellowstone, Montana 59758, appointed for a term ending 1/1/91.

Mr. Robert A. Jensen, Circle, Montana 59215, reappointed for a term ending 1/1/91.

As members of the Hard-Rock Mining Impact Board in accordance with Section No. 2-15-1822, MCA.

Mr. Donald B. Kinsey, Big Timber, Montana 59011, reappointed for a term ending 1/1/91.

Mr. R.C. Rice, Billings, Montana 59102, appointed for a term ending 1/1/91.

As members of the Board of Health and Environmental Sciences, in accordance with Section No. 2-15-2104, MCA.

Dr. John F. McGregor, Great Falls, Montana 59401, reappointed for a term ending 1/1/91.

Ms. Joyce Spicher, Hingham, Montana 59528, appointed for a term ending 1/1/91.

Mr. J. Howard Toole, Missoula, Montana 59802, reappointed for a term ending 1/1/91.

As members of the Highway Commission in accordance with Section No. 2-15-2502, MCA.

Mr. Gerald T. Archambeault, Glasgow, Montana 59230, reappointed for a term ending 1/2/91.

Mr. Roy M. Duff, Whitefish, Montana 59937, reappointed for a term ending 1/1/91.

As members of the Board of Housing in accordance with Section No. 2-15-1814, MCA.

Mr. John D. Buchanan, Cascade, Montana 59421, reappointed for a term ending 1/1/91.

Mr. Howard Rosenleaf, Anaconda, Montana 59711, reappointed for a term ending 1/1/91.

Mr. Brad Walterskirchen, Kalispell, Montana 59901, reappointed for a term ending 1/1/91.

As members of the Commission for Human Rights in accordance with Section No. 2-15-1706, MCA.

Mr. Dennis Limberhand, Lame Deer, Montana 59043, reappointed for a term ending 1/1/91.

Mr. Jack M. McLean, Helena, Montana 59624, reappointed for a term ending 1/1/91.

As members of the Board of Livestock in accordance with Section No. 2-15-3102, MCA.

Mr. Donald L. Herzog, Rapelje, Montana 59067, reappointed for a term ending 3/1/93.

Mr. John T. Kelly, Red Lodge, Montana 59068, reappointed for a term ending 3/1/93.

Mr. Ralph J. Parker, Fort Shaw, Montana 59443, reappointed for a term ending 3/1/93.

As members of the Board of Milk Control in accordance with Section No. 2-15-1802, MCA.

Mr. Curtis C. Cook, Hamilton, Montana 59840, reappointed for a term ending 1/1/91.

Mr. Michael W. Holland, Helena, Montana 59601, appointed for a term ending 1/1/91.

As members of the Board of Natural Resources and Conservation in accordance with Section No. 2-15-3302, MCA.

Mr. William A. Shields, Great Falls, Montana 59401, reappointed for a term ending 1/1/91.

Ms. Joan Toole, Helena, Montana 59601, reappointed for a term ending 1/1/91.

Mr. Jerry L. Wiedebush, Plentywood, Montana 59254, appointed for a term ending 1/1/91.

As members of the Board of Oil and Gas Conservation in accordance with Section No. 2-15-3303, MCA.

Mr. James C. Nelson, Cut Bank, Montana 59427, reappointed for a term ending 1/1/91.

Mr. Warren H. Ross, Chinook, Montana 59523, appointed for a term ending 1/1/91.

Mr. Dean A. Swanson, Billings, Montana 59103, appointed for a term ending 1/1/91.

As members of the Board of Pardons in accordance with Section No. 2-15-2302, MCA.

Mr. Thomas M. Keegan, Helena, Montana 59601, reappointed for a term ending 1/1/91.

As members of the Board of Personnel Appeals in accordance with Section No. 2-15-1705, MCA.

Mr. Jerald H. Hudspeth, Glendive, Montana 59330, reappointed for a term ending 1/1/91.

Mr. Ivan O'Neil, Kalispell, Montana 59901, reappointed for a term ending 1/1/91.

As member of the Board of Regents of Higher Education in accordance with Sections No. 2-15-1505 and 2-15-1508, MCA.

Mr. Jeffrey B. Morrison, Helena, Montana 59620, reappointed for a term ending 2/1/94.

As members of the Board of Social Work Examiners and Professional Counselors in accordance with Section No. 2-15-1854, MCA.

Mr. Larry E. Fritz, Columbus, Montana 59019, reappointed for a term ending 1/1/91.

Mr. Patrick J. Kelly, Miles City, Montana 59301, reappointed for a term ending 1/1/91.

Ms. Joan I. Rebich, Helena, Montana 59604, appointed for a term ending 1/1/91.

As member of the Board of State Tax Appeal in accordance with Section No. 15-2-101, MCA.

Mr. Blake J. Wordal, Helena, Montana 59601, appointed for a term ending 3/1/93.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 23, introduced by Halligan.

SB 28, introduced by Lynch.

SB 119, introduced by Weeding.

SB 195, introduced by Rasmussen.

SB 197, introduced by Rasmussen.

SB 225, introduced by Halligan.

SB 230, introduced by Himsl.

SB 240, introduced by Walker.

SB 262, introduced by Gage.

SJR 9, introduced by Jergeson.

House bills passed and transmitted to the Senate for concurrence:

HB 6, introduced by Thoft.

HB 29, introduced by Bardanouve.

HB 157, introduced by Mercer.

HB 512, introduced by Ream.

HB 733, introduced by Quilici.

HB 794, introduced by M. Williams.

Senate bills concurred in, as amended, and returned to the Senate for concurrence in House amendments:

SB 85, introduced by Gage.

SB 151, introduced by Galt.

SB 202, introduced by Weeding.

MOTIONS

Senator Regan moved that SB 397 be taken from second reading and referred to Committee on Finance and Claims. Motion carried.

Senator Van Valkenburg moved that SB 388 be placed below HB 175 on second reading. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 6, introduced by Thoft (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Finance and Claims.

HB 29, introduced by Bardanouve. Referred to Committee on State Administration.

HB 157, introduced by Mercer, Brandewie, Pinsoneault, Harding, Meyers. Referred to Committee on Taxation.

HB 512, introduced by Ream, Schye, Brandewie, Gilbert, Kolstad, Crippen, Lynch. Referred to Committee on Taxation.

HB 733, introduced by Quilici, Halligan, Gage, Menahan, Lynch, Campbell, Harrington, Pavlovich, D. Brown, Spaeth, Daily, Jacobson. Referred to Committee on Taxation.

HB 794, introduced by M. Williams, Sands (By Request of the House Committee on Taxation). Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 12 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Neuman, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Williams, Mr. President.
Total 37

Noes: Bishop, Blaylock, Eck, Himsl, Lybeck, Manning, Mazurek, Pinsoneault, Regan, Severson, Vaughn, Weeding, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 383 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 46

Noes: Blaylock, Lybeck, Yellowtail, Mr. President.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 390 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Farrell.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 396 passed as follows:

Ayes: Abrams, Anderson, Bengtson, Boylan, Brown, Crippen, Eck, Farrell, Galt, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McLane, Meyer, Pinsoneault, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams.

Total 30

Noes: Aklestad, Beck, Bishop, Blaylock, Gage, Haffey, Hager, Hammond, Himsl, Hirsch, Lybeck, Manning, McCallum, Neuman, Rasmussen, Smith, Thayer, Tveit, Yellowtail, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 19 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 49

Noes: Yellowtail.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 196 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 388 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 408 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 450 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 461 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 536 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 682 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 747 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 755 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 792 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 815 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 175 - Senator Regan moved that HB 175 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 - Senator Thayer moved, without objection, that SB 388 be placed below HB 210.

HB 183 - Senator Smith moved that HB 183 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 210 - Senator Severson moved that HB 210 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 - Senator Thayer moved, without objection, that SB 388 be placed below HB 349.

HB 249 - Senator Thayer moved that HB 249 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 345 - Senator Thayer moved that HB 345 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 349 - Senator Pinsoneault moved that HB 349 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 388 - Chairman Galt moved, without objection, that SB 388 be placed below HB 359.

HB 359 - Senator Hofman moved that HB 359 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hofman, Jacobson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 28

Noes: Aklestad, Beck, Bengtson, Bishop, Gage, Hammond, Harding, Himsl, Hirsch, Jergeson, McCallum, Meyer, Neuman, Pinsoneault, Smith, Story, Thayer, Walker.
Total 18

Excused: None.
Total 0

Absent or not voting: Kolstad, Rasmussen, Williams, Mr. President.
Total 4

SB 388 - Senator Thayer moved that SB 388, second reading copy, be amended as follows:

1. Title, line 5.
Strike: "REQUIRING"
Insert: "ALLOWING"

2. Title, lines 6 through 10.
Strike: "TO" on line 6 through "EMPLOYERS" on line 10

3. Page 1, line 22 through line 9, page 4.
Strike: "governor" on page 1, line 22 through "state" on line 9, page 4
Insert: "office of the legislative auditor, under the direction of the legislative audit committee, shall solicit proposals to purchase the state workers' compensation insurance plan and fund. A purchase proposal must propose to assume all the liabilities and purchase all the assets of the fund, including such assets as equipment; furniture; office supplies; books and records, computerized or otherwise; future business; and financial assets. The proposal may include an offer to purchase or lease the building housing the workers' compensation division and situated on the corner of Broadway and South Last Chance Gulch in Helena, Montana, and may offer to lease any part of the building back to the state of Montana. The proposal must agree to insure any employer covered by Title 39, chapter 71 or 72,

regardless of the nature of the employer's business or the employer's risk rating for purposes of insurance, for as long as the employer desires insurance.

(2) The office of the legislative auditor shall review and prepare comments and a recommendation regarding each proposal. The 51st legislature of the state of Montana, and any special session of the legislature meeting before the convening of the 51st legislature, may review the proposals that have been submitted and the comments and recommendations of the office of the legislative auditor and order the auditor to accept a proposal and sell the fund and plan"

Renumber: subsequent sections

4. Page 34, lines 22 through 25.
Strike: section 31 of the bill in its entirety
Renumber: subsequent section

5. Page 35, line 3.
Strike: "Sections"
Insert: "If a sale is made under section 1, sections"
Strike: "31"
Insert: "29"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Mr. President.
Total 39

Noes: Blaylock, Eck, Hofman, Jacobson, Keating, Regan, Stimatz, Vaughn, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: McCallum, Walker.
Total 2

Senator Boylan moved that SB 388, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Weeding.
Total 27

Noes: Abrams, Bengtson, Blaylock, Brown, Eck, Galt, Haffey, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

HB 401 - Senator Jacobson moved that HB 401 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 411 - Senator Walker moved that HB 411 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 438 - Senator Farrell moved that HB 438 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 507 - Senator Beck moved that HB 507 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 654 - Senator Hager moved that HB 654 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

At the request of Senator Boylan, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Boylan moved that the Senate temporarily suspend the rules in order to place SB 388 on third reading this day. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Weeding.
Total 31

Noes: Abrams, Bengtson, Blaylock, Brown, Eck, Haffey, Himsl, Jacobson, Jergeson, Lybeck, Manning, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 17, 1987.

Motion carried.

Senate adjourned at 4:55 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

[illegible]

Thayer, Todd, Van Valkenburg, Vaughn.
Yellowtail, Mr. President.
Total 50

Nays: None.
Total 0

Senator Van Valkenburg moved that the Senate adjourn until 8:00 p.m., [illegible] 1, 1987.
Seconded: None.
Total 0

Absent or not voting: None
Total 0

Senate adjourned at 6:55 p.m.

HB 654 - SUBSTITUTE MOTION

Senator Van Valkenburg moved that HB 654 be concurred in, Motion [illegible]
Seconded by Senator [illegible]

Yeas: Abrams, Aklestad, Anderson, Berg, Bishop, [illegible] Brown, Crippen, Fee, Farrell, Gage, Gall, [illegible] Harding, Hirsch, Hirsch, Hutton, [illegible] Kolstad, Lybert, Lynch, Manley, Manzer, McCulloch, McLane, Meaver, Nisbet, Pederson, Regan, Severson, Smith, Stimpson, Thayer, Todd, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Gall moved the adoption of the committee report. Motion adopted.

ANNOUNCEMENTS

No announcements were made.

At the request of Senator Boylan, and without objection, [illegible] to Order of Business No. 6

[illegible]

FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 17, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-eighth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/17/87

Correctly engrossed:
SB 388

Correctly enrolled:

SB 238	SB 273	SB 281	SJR 4

Examined by the sponsors and found to be correct:

SB 238	Beck
SB 273	Regan
SB 281	Beck
SJR 4	Keating

Signed by the President at 10:30 a.m., 3/17/87:
SJR 4

Signed by the President at 3:41 p.m., 3/17/87:

HB 37	HB 80	HB 93	HB 129
HB 131	HB 189	HB 235	HB 248
HB 374	HB 476	HB 489	HB 563
HB 635	HB 692	HB 734	

Signed by the President at 3:50 p.m., 3/17/87:

SB 238	SB 273	SB 281

Signed by the President at 4:30 p.m., 3/17/87:

HB 117	HB 142	HB 197	HB 232
HB 308	HB 343	HB 413	HB 516
HB 517	HB 585	HB 624	HB 717
HJR 14			

Delivered to the Secretary of State at 1:10 p.m., 3/17/87:
SJR 4

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 3/16/87

HB 804, third reading copy, be amended as follows:

1. Page 2, line 1.
Strike: "and"

2. Page 2, line 4.
Following: "land"
Insert: "; and

WHEREAS, there are situations where a lessee permits another person to use all or a portion of a lease that should not result in the loss of the preference right"

3. Page 2, line 7.
Following: "land"
Insert: "in certain circumstances"

4. Page 4, line 13.
Following: "77-1-302."
Insert: "(2)"

5. Page 4, line 18.
Following: "state."
Insert: "(3)"

6. Page 4, lines 20 through 22.
Following: "state"
Strike: remainder of line 20 through "approval" on line 22

7. Page 4, line 24.
Following: "77-6-211."
Insert: "If a lessee subleases state lands without filing a copy of the sublease with the department and without receiving its approval, the department may cancel the lease, subject to the appeal procedure provided in 77-6-211."

8. Page 4, line 25.
Strike: "(2)"
Insert: "(4)"

9. Page 5, line 3.
Strike: "(3)"
Insert: "(5)"

10. Page 5, lines 12 and 13.
Strike: "in excess of the period allowed under"
Insert: "contrary to the provisions of"

11. Page 6, line 20.
Following: "LEASE;"
Insert: "or"

12. Page 6, line 22.
Strike: ";"

13. Page 6, line 23.
Strike: "(C) THE PASTURING AGREEMENT"

14. Page 7, line 2.
Strike: "ALL ELEMENTS OF"

15. Page 7, line 10.
Strike: "PROVIDING NOTIFICATION TO THE DEPARTMENT OF"
Insert: "making all decisions regarding"

And, as amended, be concurred in. Report adopted.

HB 837, third reading copy, be amended as follows:

1. Page 1, lines 18 and 19.
Strike: "or federal taxpayer identification number"

2. Page 11, line 21.
Following: "MAIL A"
Insert: "certified"

3. Page 16, lines 3 through 9.

Following: "1987."
Strike: remainder of subsection (5)

And, as amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/16/87
HB 66, be concurred in. Report adopted.
HB 823, third reading copy, be amended as follows:

1. Page 4, line 16.
Following: "provide,"
Insert: "for Montana residents covered"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman)
HB 69, third reading copy, be amended as follows: 3/13/87

1. Title, line 9.
Following: "AN"
Strike: "IMMEDIATE"

2. Page 9, line 15.
Strike: "ON PASSAGE AND APPROVAL"
Insert: "July 1, 1987"

And, as amended, be concurred in. Report adopted.

HB 263, be concurred in. Report adopted. 3/16/87
HB 483, be concurred in. Report adopted. 3/16/87
HJR 18, be concurred in. Report adopted. 3/16/87

FINANCE AND CLAIMS (Regan, Chairman) 3/11/87
HB 4, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 3/16/87
HB 397, third reading copy, be amended as follows:

1. Page 4, line 14.
Following: "~~161~~"
Strike: "115"
Insert: "69"

2. Page 4.
Following: line 18
Strike: lines 19 through 25 in their entirety
Insert: "(ii) does not include an electric transmission line with a design capacity of more than 69 kilovolts and up to and including 115 kilovolts for which the person planning to construct the line has obtained right-of-way agreements or options for a right-of-way from more than 75% of the owners who collectively own more than 75% of the property along the centerline;"

3. Page 6, line 17.
Following: "THE"
Strike: "APPLICANT"
Insert: "person planning to construct the transmission line"

And, as amended, be concurred in. Report adopted.

HB 645, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable William Norman March 17, 1987

President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 35 and 243 on this date.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 109, introduced by Bishop.

SB 188, introduced by Walker.

SB 237, introduced by Boylan.

SB 287, introduced by Gage.

SB 294, introduced by Meyer.

SB 309, introduced by Mazurek.

SB 326, introduced by Haffey.

SB 327, introduced by Yellowtail.

SB 364, introduced by Manning.

SB 367, introduced by Harding.

SB 368, introduced by Story.

SJR 11, introduced by Beck.

SJR 12, introduced by Weeding.

Senate bills not concurred in and returned to the Senate:

SB 354, introduced by Stimatz.

SB 355, introduced by Walker.

House bills passed and transmitted to the Senate for concurrence:

HB 621, introduced by Quilici.

HB 678, introduced by Connelly.

Senate bills concurred in, as amended, and returned to the Senate for concurrence in House amendments:

SB 247, introduced by Meyer.

SB 260, introduced by Harding.

SB 263, introduced by B. Williams.

SB 274, introduced by Hammond.

SB 277, introduced by Hofman.

SB 382, introduced by Jergeson.

The House, on 3/16/87, failed to concur in Senate amendments to HB 206 and appointed a Conference Committee, requesting that the Senate appoint a committee to confer on Senate amendments to HB 206.

The Speaker appointed the following members:

Representative Swysgood
Representative Brandewie
Representative McCormick

MOTIONS

Senator Meyer moved that HB 806 be taken from second reading this day and rereferred to the Committee on Business Industry. Motion carried.

Senator Pinsoneault moved that HB 639 be taken from second reading this day and placed on second reading on the 61st legislative day, 3/19/87. Motion carried.

Senator Williams moved that SB 388 be taken from third reading and placed on second reading this day. Senator Williams withdrew the motion.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 621, introduced by Quilici, Van Valkenburg, Lory, Lynch, Donaldson, Haffey. Referred to Committee on Finance and Claims.
HB 678, introduced by Connelly, Sands, Vincent, Halligan, Kadas, Peck. Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 388 passed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, ~~Eck~~, Farrell, Gage, Galt, Hager, Halligan, Hammond, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Weeding.
Total ~~27~~ 26 ~~26~~ 27

Noes: Abrams, Bengtson, Blaylock, Brown, Eck, Haffey, Harding, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total ~~22~~ 23

Excused: None.
Total 0

Absent or not voting: ~~Beck~~ None.
Total ~~1~~ 0

Senator Eck moved, without objection, that her vote on SB 388 be changed from yes to no.

Senator Beck asked that his vote on SB 388 be recorded as yes.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 53 - Senator Story moved that HB 53, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "2-17-109,"

2. Page 239, line 13.
Strike: "2-17-109,"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Yellowtail moved that HB 53, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 94 - Senator Thayer moved that HB 94 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 123 - Senator Blaylock moved that HB 123 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 236 - Senator Mazurek moved that HB 236 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 246 - Senator Anderson moved that HB 246 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 273 - Senator Blaylock moved that HB 273 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 370 - Senator Abrams moved that HB 370 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 396 - Senator Stimatz moved that HB 396 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 404 - Senator Gage moved that HB 404 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 471 - Senator Eck moved that HB 471, third reading copy, be amended as follows:

1. Page 9, lines 8 and 9.
Following: "OR"
Strike: "EXEMPTED FROM LICENSURE AS DEFINED IN [SECTION 6(5)]"
Insert: "has met the requirements of [section 2(10)(b)]"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Story moved that HB 471, third reading copy, be further amended. Senator Story made a substitute motion that HB 471 be moved to the bottom of the board. Substitute motion carried.

HB 505 - Senator Kolstad moved that HB 505 be concurred in. Senator Regan made a substitute motion that HB 505 be moved to the bottom of the board. Substitute motion carried.

HB 541 - Senator Vaughn moved that HB 541 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 555 - Senator Hager moved that HB 555 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hofman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 558 - Senator Van Valkenburg moved that HB 558 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 569 - Senator Hager moved that HB 569, third reading copy, be amended as follows:

1. Page 1, line 15.
Strike: "1 year"
Insert: "5 years"

2. Page 1, line 20.
Strike: "1 year"
Insert: "5 years"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, McLane, Meyer, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Weeding, Williams, Mr. President.
Total 33

Noes: Himsl, Hirsch, Jergeson, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Vaughn, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: Beck, Blaylock, Rasmussen, Smith, Story, Tveit, Walker.
Total 7

Senator McLane moved that HB 569, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 615 - Senator McLane moved that HB 615 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 664 - Senator Brown moved that HB 664 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 738 - Senator Kolstad moved that HB 738 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Rasmussen, Smith.
Total 2

HB 783 - Senator Story moved that HB 783 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 471 - Senator Van Valkenburg moved, without objection, that HB 471 be moved to the top of the board.

Senator Story moved that HB 471, third reading copy, be further amended as follows:

1. Title, line 7.
Following: "REGULATION OF"
Strike: "NUTRITIONISTS"
Following: "~~AND DIETITIANS~~"
Insert: "DIETITIANS"

2. Title.
Following: line 8
Strike: "NUTRITIONIST"
Insert: "DIETITIAN"

3. Page 1.
Strike: everything following the enacting clause
Insert: "NEW SECTION. Section 1. Legislative finding and purpose. The legislature finds and declares that the practice of dietetic assessment and counseling affects the public health, safety, and welfare. It is the purpose of [this act] to provide for the licensing and regulation of dietitians in order to protect the public health, safety, and welfare, to ensure that nutritional services of high quality are available to the people of Montana, and to provide a means of identifying those qualified to practice dietetics.

NEW SECTION. Section 2. Definitions. In [this act], unless the context requires otherwise, the following definitions apply:

(1) "Board" means the board of medical examiners.

(2) "Commission" means the commission on dietetic registration that is a member of the national commission for health certifying agencies.

(3) "Dietetic assessment" means the evaluation of nutritional needs of individuals and groups based on appropriate biochemical, anthropometric, physical, and dietary data in order to determine nutrient needs and to recommend appropriate nutritional intake, including both enteral and parenteral nutrition.

(4) "Dietetic counseling" means providing assistance and advice to individuals or groups in the selection of food and other sources of nutrients to achieve appropriate nutritional intake, based on:

(a) the dietetic assessment;

(b) the composition of food and other sources of nutrients; and

(c) meal preparation consistent with cultural background and socioeconomic status.

(5) "Licensed dietitian" means a registered dietitian licensed under [this act].

(6) "Practice of dietetics" is the integration and application of principles derived from the sciences of nutrition, biochemistry, physiology, and food management and from the behavioral and social sciences to achieve and maintain health. The primary function of dietetic practice is to provide dietetic assessment and counseling.

(7) "Registered dietitian" means a person who is registered by the commission.

NEW SECTION. Section 3. Licensing requirements. (1) An applicant for licensure as a dietitian shall file a written application with the board and demonstrate to the board that he has completed the requirements described in Title 37, chapter 21, part 3, and is registered by the commission.

(2) An applicant shall pay an application fee set by the board.

NEW SECTION. Section 4. Issuance of license — effective date. (1) Upon successful completion of the requirements in [section 3], an applicant must be issued a license attesting to the date and fact of licensure.

(2) The license is effective on the date of issuance and expires 1 year after that date.

NEW SECTION. Section 5. Exemptions from licensure requirements. [This act] does not prevent: (1) a student or intern in an approved academic program or a paraprofessional with approved dietetic training from engaging in the practice of dietetics if a registered dietitian is available for direct supervision and if the student, intern, or paraprofessional does not represent himself to the public as a dietitian;

(2) a person licensed under any other law from engaging in the profession or business for which he is licensed if he does not represent himself to the public as a dietitian;

(3) a person who has satisfactorily completed a baccalaureate and master's or a doctoral degree in the field of dietetics, food and nutrition, public health nutrition, or food service management conferred by an accredited college or university from engaging in the practice of dietetics;

(4) a person employed by or under contract with an agency of the state or federal government from discharging his official duty if he does not represent himself to the public as a dietitian;

(5) a person who does not represent himself to the public as a dietitian from marketing or distributing food products, including dietary supplements recognized by the United States food and drug administration; from educating customers in the use of these products; from furnishing general nutritional information, including dissemination of literature, as to the use of food, food materials, or dietary supplements; or from engaging in the explanation as to the use of foods or food products, including dietary supplements, in connection with the marketing and distribution of those products; or

(6) a person from fulfilling state or federal regulations governing the delivery or provision of nutritional health services to hospitals or long-term care facilities if he does not represent himself to the public as a dietitian.

NEW SECTION. Section 6. Representation to public as dietitian — limitation on use of title. No person may represent himself to the public by any title, sign, or advertisement or description of services as a dietician or a licensed dietitian unless he has been licensed under [this act].

NEW SECTION. Section 7. Reciprocity. A person licensed to practice dietetics in another state with licensing requirements equivalent to or more stringent than those in [section 3] is entitled to a license to practice dietetics in Montana.

NEW SECTION. Section 8. Renewal of license — continuing education. (1) An application for renewal of license must be made annually within 30 days after the expiration of the existing license.

(2) A renewal license must be issued when the applicant submits proof that requirements for continuing education have been met and pays a renewal fee set by the board commensurate with costs.

(3) An additional fee may be imposed on applications for renewal received by the board more than 30 days after the expiration of the existing license.

NEW SECTION. Section 9. Powers and duties of board. In addition to all other powers and duties conferred and imposed on the board by [this act], the board shall: (1) examine qualified applicants for a license to practice dietitics, issue licenses to applicants who meet the requirements established by [this act], and renew licenses as provided in [section 8]; and

(2) in cooperation with the department, adopt rules that set professional, practice, and ethical standards for licensed dieticians and such other rules as may be necessary for the administration of [this act].

NEW SECTION. Section 10. Grounds for revocation, suspension, or refusal to renew license. The board may impose a fine or probationary conditions, suspend or revoke a license, or deny or refuse to renew a license if the licensee or applicant has:

(1) obtained a license by means of fraud, misrepresentation, or concealment of material facts;

(2) engaged in unprofessional conduct or gross incompetence as defined by rule of the board;

(3) been convicted of a crime of moral turpitude or a felony related to the practice of dietetics; or

(4) violated an order or rule of the board.

Section 11. Section 2-15-1841, MCA, is amended to read:

"2-15-1841. Board of medical examiners. (1) There is a Montana state board of medical examiners.

(2) The board consists of ~~nine~~ 10 members appointed by the governor with the consent of the senate. Appointments made when the legislature is not in session may be confirmed at the next session.

(3) The members are:

(a) five members having the degree of doctor of medicine;

(b) one member having the degree of doctor of osteopathy;

(c) one member who is a licensed podiatrist; ~~and~~

(d) one member who is a registered dietitian; and

~~(d)~~(e) two members of the general public who are not medical practitioners.

(4) The members having the degree of doctor of medicine may not be from the same county. Each member shall be a citizen of the United States. Each member, except for public members, shall have been licensed and shall have practiced medicine or dietetics in this state for at least 5 years and shall have been a resident of this state for at least 5 years.

(5) The member who is a registered dietician may vote only on issues that affect the licensure and regulation of dietitians.

~~(5)~~ (6) Members shall serve staggered 4-year terms. A term commences on September 1 of each year of appointment. A member may, upon notice and hearing, be removed by the governor for neglect of duty, incompetence, or unprofessional or dishonorable conduct.

~~(6)~~ (7) The board is allocated to the department of commerce for administrative purposes only as prescribed in 2-15-121."

NEW SECTION. Section 12. Codification instruction. Sections 1 through 10 are intended to be codified as an integral part of Title 37, chapter 21, and the provisions of Title 37, chapter 21, apply to sections 1 through 10."

Amendment failed as follows:

Ayes: Aklestad, Gage, Galt, Hager, Halligan, Harding, Himsl, Kolstad, Manning, McCallum, McLane, Rasmussen, Smith, Story, Tveit, Yellowtail.
Total 16

Noes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Hammond, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Mazurek, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Keating moved that HB 471, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Hammond, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Mazurek, Meyer, Neuman, Pinsoneault, Regan, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 36

Noes: Aklestad, Gage, Galt, Hager, Harding, Himsl, Kolstad, Manning, McCallum, McLane, Rasmussen, Severson, Smith, Story.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 822 - Senator Thayer moved that HB 822 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 121 - Senator Farrell moved that HB 121 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 165 - Senator Thayer moved that HB 165 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senators Neuman and Manning excused at this time.

HB 240 - Senator Van Valkenburg moved, without objection, that consideration on HB 240 be passed.

HB 266 - Senator Jacobson moved that HB 266 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Neuman.
Total 2

Absent or not voting: None.
Total 0

HB 298 - Senator Bishop moved that HB 298 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lynch, Mazurek, McLane, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Boylan, Farrell, Gage, Galt, Halligan, Hirsch, Kolstad, Meyer, Pinsoneault.
Total 10

Excused: Manning, Neuman.
Total 2

Absent or not voting: Lybeck, McCallum, Story, Thayer.
Total 4

HB 443 - Senator Williams moved that HB 443 be moved to the bottom of the board. Motion carried.

HB 499 - Senator Weeding moved that HB 499 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Neuman.
Total 2

Absent or not voting: None.
Total 0

HB 506 - Senator Haffey moved that HB 506 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Crippen, Eck, Farrell, Gage, Harding, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Mazurek, McLane, Meyer, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Beck, Boylan, Galt, Haffey, Hammond, Himsl, Hirsch, McCallum, Pinsoneault, Story.
Total 11

Excused: Manning, Neuman.
Total 2

Absent or not voting: Bishop, Brown, Hager, Halligan, Kolstad, Rasmussen, Severson, Smith, Thayer.
Total 9

HB 511 - Senator Regan moved that HB 511 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Manning, Neuman.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Walker moved the adoption of the committee report.

HB 569 - Senator Mazurek made a substitute motion that HB 569 be segregated from the Committee of the Whole Report. Substitute motion carried.

Chairman Walker moved the adoption of the committee report, as amended. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 206. Motion carried.

The President appointed the following members:

Senator Boylan, Chairman
Senator Rasmussen
Senator Stimatz

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 18, 1987.

Motion carried.

Senate adjourned at 6:14 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTIETH LEGISLATIVE DAY

Helena, Montana
March 18, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-ninth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/18/87

Correctly enrolled:

SB 109	SB 237	SB 287	SB 294
SB 309	SB 326	SB 364	SB 367
SJR 11	SJR 12		

Examined by the sponsors and found to be correct:

SB 109	Bishop
SB 237	Boylan
SB 287	Gage
SB 294	Meyer
SB 309	Mazurek
SB 326	Haffey
SB 364	Manning
SB 367	Harding
SJR 11	Beck
SJR 12	Weeding

Signed by the President at 3:45 p.m., 3/18/87:

SB 109	SB 237	SB 287	SB 294
SB 309	SB 326	SB 364	SB 367
SJR 11	SJR 12		

Delivered to the Governor at 8:38 a.m., 3/18/87:

SB 238	SB 273	SB 281

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman)

HB 363, third reading copy, be amended as follows: 3/17/87

1. Page 1, line 10.
Strike: "A"
Insert: "Except as otherwise provided in this chapter, a"

2. Page 1, lines 14 and 15.
Strike: ", except as otherwise provided in this chapter,"

And, as amended, be concurred in. Report adopted.

HB 417, third reading copy, be amended as follows: 3/16/87

1. Page 2, line 21.
Following: "(1)"
Insert: "(a)"

2. Page 3, line 6.
Strike: "(a)"

Insert: "(i)"

3. Page 3, line 14.
Strike: "(i)"
Insert: "(A)"

4. Page 3, line 15.
Strike: "(ii)"
Insert: "(B)"

5. Page 3, line 19.
Strike: "(b)"
Insert: "(ii)"

6. Page 4, line 2.
Strike: "(i)"
Insert: "(A)"

7. Page 4, line 7.
Strike: "(ii)"
Insert: "(B)"

8. Page 4, line 10.
Strike: "(iii)"
Insert: "(C)"

9. Page 4, line 12.
Strike: ";"
Insert: "."

10. Page 4, lines 13 and 14.
Strike: "HOWEVER, IV"
Insert: "(b)(i) If both subsections (1)(a)(ii)(B) and (1)(a)(ii)(C) are applicable to bids for a contract, the contract must be awarded to the resident bidder whose offered goods are Montana-made if the bid is:

(A) not more than 3% higher than that of a resident bidder whose offered goods are not Montana-made; and

(B) not more than 5% higher than that of the nonresident bidder.

(ii) However,"

11. Page 5.
Following: line 24
Insert: "(4) For the purposes of 18-1-102(1)(a)(ii) and under rules adopted by the department, a foreign corporation or a subsidiary, affiliate, or operating branch of a corporation may be considered a resident by a public agency if it:

(a) has conducted a bona fide business within the state for not less than 5 years;

(b) maintains a place of business within the state by which it directly or indirectly pays property taxes in the state; and

(c) employs on an annual basis the equivalent of 10 residents as defined in 18-2-401."
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

HB 449, be concurred in. Report adopted. 3/17/87

HB 487, be concurred in. Report adopted. 3/17/87
HB 769, be concurred in. Report adopted. 3/17/87
HB 771, third reading copy, be amended as follows: 3/17/87

1. Page 9, line 22.
Strike: "year"
Insert: "years"

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman) 3/17/87
HB 424, be concurred in. Report adopted.
HB 533, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 3/17/87
HB 28, be concurred in. Report adopted.
HB 261, be concurred in. Report adopted.
HB 493, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/17/87
HB 141, be concurred in. Report adopted.
HB 277, third reading copy, be amended as follows:

1. Title, lines 9 and 10.
Following: "~~APPROPRIATION~~"
Strike: remainder of line 9 through "THE" on line 10
Following: "PROGRAM;"
Insert: "AMENDING SECTION 17-7-502, MCA;"

2. Page 3, lines 1 and 2.
Strike: line 1 through "DRUG" on line 2
Following: "~~61-5-206,~~"
Insert: ", 61-5-206,"

3. Page 3, lines 2 and 3.
Following: "or" on line 2
Strike: remainder of line 2 through "TO" on line 3

4. Page 3, line 11.
Following: "~~treasury~~"
Strike: "THE GENERAL FUND"
Insert: "a drinking and driving prevention account in the special revenue fund category in the state treasury"

5. Page 3, lines 21 and 22.
Following: "TREASURER"
Strike: remainder of line 21 through "APPROPRIATION" on line 22
Insert: "at the end of each quarter"

6. Page 4, lines 22 and 23.
Following: "TREASURER"
Strike: remainder of line 22 through "APPROPRIATION" on line 23
Insert: "at the end of each quarter"

7. Page 5.
Following: line 2
Insert: "NEW SECTION. Section 4. Appropriation. All money deposited in the drinking and driving prevention account established in [section 2] is statutorily appropriated, as provided in 17-7-502, to the department of justice for distribution as provided in [section 3].

Section 5. Section 17-7-502, MCA, is amended to read:

"17-7-502. Statutory appropriations — definition — requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations:

(a) 2-9-202;

(b) 2-17-105;

(c) 2-18-812;

(d) 10-3-203;

(e) 10-3-312;

(f) 10-3-314;

(g) 10-4-301;

(h) 13-37-304;

(i) 15-31-702;

(j) 15-36-112;

(k) 15-70-101;

(l) 16-1-404;

(m) 16-1-410;

(n) 16-1-411;

(o) 17-3-212;

(p) 17-5-404;

(q) 17-5-424;

(r) 17-5-804;

(s) 19-8-504;

(t) 19-9-702;

(u) 19-9-1007;

(v) 19-10-205;

(w) 19-10-305;

(x) 19-10-506;

(y) 19-11-512;

(z) 19-11-513;

(aa) 19-11-606;

(bb) 19-12-301;

(cc) 19-13-604;

(dd) 20-6-406;

(ee) 20-8-111;

(ff) 23-5-612;

(gg) 37-51-501;

(hh) 53-24-206;

(ii) 75-1-1101;

(jj) 75-7-305;

(kk) 80-2-103;

(ll) 80-2-228;

(mm) 90-3-301;

(nn) 90-3-302;

(oo) 90-15-103; ~~and~~

(pp) Sec. 13, HB 861, L. 1985; and

(qq) [section 4].

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for such payments.""

Renumber: subsequent sections

8. Page 5, line 9.
Following: "THROUGH"
Strike: "3"
Insert: "4"

9. Page 5, line 11.
Following: "THROUGH"
Strike: "3"
Insert: "4"

10. Statement of intent.
Strike: statement of intent in its entirety

11. Insert: "NEW SECTION." preceding "Section" in the following locations:
Page 1, line 14
Page 2, line 22
Page 3, line 12
Page 5, lines 8 and 12

And, as amended, be concurred in. Report adopted.

HB 430, be concurred in. Report adopted.
HB 566, third reading copy, be amended as follows:

1. Page 1, line 20.
Following: "including"
Insert: ", but not limited to"

And, as amended, be concurred in. Report adopted.

HJR 21, be concurred in. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 3/17/87
HB 532, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 20, introduced by Halligan.

SB 40, introduced by Halligan.

SB 94, introduced by Lybeck.

SB 103, introduced by Hager.

SB 104, introduced by Pinsoneault.

SB 128, introduced by Gage.

SB 133, introduced by Bishop.

House bills passed and transmitted to the Senate for concurrence:

HB 743, introduced by Sales.

HB 791, introduced by Strizich.

HB 795, introduced by Gilbert.

Senate bills concurred in, as amended, and returned to the Senate for concurrence in House amendments:

SB 68, introduced by Gage.

SB 141, introduced by Bengtson.

Senate bills not concurred in and returned to the Senate:

SB 47, introduced by Gage.

SB 14, requiring adoption by a two-thirds vote of all members of the Legislature, concurred in and returned to the Senate with the following vote:

Ayes - 83
Nays - 12

The House, on 3/18/87, failed to concur in Senate amendments to HB 326 and appointed a Conference Committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 326.

The Speaker appointed the following members:

Representative Gould
Representative Mercer

Representative Addy

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SJR 14, introduced by Gage. Referred to Committee on Local Government.

The following House bills were introduced, read first time, and referred to committees:

HB 743, introduced by Sales, Connelly, Vincent. Referred to Committee on Taxation.

HB 791, introduced by Strizich, Nisbet, Whalen, Cody, Roth, Ramirez, Manning, Bachini, Schye, Menahan, Gage, Manuel, DeMars, Poulsen, Phillips, Miller, Brandewie, Squires, Miles, Giacometto, D. Brown, Darko, Driscoll, Walker, Compton, Raney, McCormick, Pistoria, Thomas. Referred to Committee on Taxation.

HB 795, introduced by Gilbert, Ramirez, Iverson, Spaeth, Menke, Weeding, Kolstad, Abrams. Referred to Committee on Taxation.

SPECIAL ORDERS OF THE DAY

Senator Lynch introduced Miss Jaymee Rickey, a 16-year old constituent and 6th place winner of the Veterans of Foreign Wars national contest, who recited her "Challenge of American Citizenship" speech to the members of the Senate.

At the request of Senator Story, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Story moved that HB 359 be taken from third reading and referred to the Committee on Rules. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 175 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Beck, Blaylock, Neuman.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 183 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 210 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hirsch, Kolstad, Neuman.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 249 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 345 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 349 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 401 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 411 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 438 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 507 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 654 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Story in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 579 - Senator Eck moved that HB 579 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 580 - Senator Farrell moved that HB 580 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 589 - Senator Walker moved that HB 589 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 640 - Senator Gage moved that HB 640 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 689 - Senator Thayer moved that HB 689 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 699 - Senator Boylan moved that HB 699 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Kolstad in the Chair.

HB 722 - Senator Beck moved that HB 722 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Story in the Chair.

HB 752 - Senator McLane moved that HB 752 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 803 - Senator Thayer moved that HB 803 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 505 - Senator Rasmussen moved that consideration on HB 505 be passed. Motion carried.

HB 443 - Senator Williams moved that HB 443 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senators Hirsch and Weeding excused at this time.

SB 21 - Senator Boylan moved that House amendments to SB 21 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

SB 43 - Senator Farrell moved that House amendments to SB 43 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

SB 73 - Senator Smith moved that House amendments to SB 73 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

SB 130 - Senator Manning moved that House amendments to SB 130 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

SB 174 - Senator Brown moved that House amendments to SB 174 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

SB 180 - Senator Harding moved that House amendments to SB 180 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

SB 256 - Senator Jacobson moved that House amendments to SB 256 be concurred in. Senator Mazurek made a substitute motion that House amendments to SB 256 be not concurred in. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.

Total 0

SB 267 - Senator Van Valkenburg moved that House amendments to SB 267 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

HB 163 - Senator Van Valkenburg moved that HB 163, third reading copy, be amended as follows:

1. Senate Judiciary Standing Committee Report, dated 3/13/87.
Strike: amendment #1 in its entirety

Amendment failed as follows:

Ayes: Bengtson, Boylan, Eck, Farrell, Gage, Halligan, Himsl, Hofman, Manning, Pinsoneault, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker.
Total 16

Noes: Abrams, Aklestad, Beck, Bishop, Blaylock, Brown, Crippen, Galt, Haffey, Hager, Hammond, Harding, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McLane, Meyer, Rasmussen, Severson, Story, Tveit, Yellowtail.
Total 25

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: Anderson, Jacobson, McCallum, Neuman, Smith, Williams, Mr. President.
Total 7

Senator Crippen moved that HB 163 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 47

Noes: Van Valkenburg.
Total 1

Excused: Hirsch, Weeding.

Total 2

Absent or not voting: None.
Total 0

HB 188 - Senator Mazurek moved that consideration on HB 188 be passed. Motion carried.

HB 240 - Senator Neuman moved that HB 240 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

HB 256 - Senator Pinsoneault moved that HB 256, third reading copy, be amended as follows:

1. Title, line 10.
Following: "OPERATIONS;"
Strike: "AND"

2. Title, line 11.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, line 19.
Strike: "$75"
Insert: "$50"

4. Page 1, line 20.
Strike: "$75"
Insert: "$50"

5. Page 1, line 24.
Strike: "$45"
Insert: "$30"

6. Page 2, line 1.
Strike: "$30"
Insert: "$20"

7. Page 2, line 21.
Strike: "$35"
Insert: "$50"

8. Page 3, line 6.
Strike: "$75"
Insert: "$20"

9. Page 4, line 6.

Strike: "$50"
Insert: "$25"

10. Page 4, line 8.
Strike: "$30"
Insert: "$15"
Following: ";"
Strike: "and"

11. Page 4, line 10.
Strike: "$20."
Insert: "$10; and

(iv) from the applicant or petitioner, on the filing of an application for probate or for the appointment of a personal representative or on the filing of a petition for appointment of a guardian or conservator, as provided in subsection (1)(n), $15."

12. Page 5, line 3.
Strike: "$75"
Insert: "$50"

13. Page 5, line 4.
Strike: "$75"
Insert: "$50"

14. Page 5, line 8.
Strike: "$45"
Insert: "$30"

15. Page 5, line 10.
Strike: "$30"
Insert: "$20"

16. Page 6, line 5.
Strike: "$35"
Insert: "$50"

17. Page 6, line 15.
Strike: "$75"
Insert: "$20"

18. Page 7, line 14.
Strike: "$50"
Insert: "$25"

19. Page 7, line 16.
Strike: "$30"
Insert: "$15"
Following: ";"
Strike: "and"

20. Page 7, line 18.
Strike: "$20."
Insert: "$10; and

(iv) from the applicant or petitioner, on the filing of an application for probate or for the appointment of a personal representative or on the filing of a petition for appointment of a guardian or conservator, as provided in subsection (1)(n), $15."

21. Page 8.
Following: line 20

Insert: "NEW SECTION. Section 3. Effective date. This act is effective July 1, 1987."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Brown, Eck, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jergeson, Keating, Kolstad, Mazurek, McCallum, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Williams.
Total 29

Noes: Beck, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hammond, Lybeck, Manning, Meyer, Neuman, Thayer, Walker.
Total 14

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: Jacobson, Lynch, McLane, Yellowtail, Mr. President.
Total 5

Senator Galt moved that HB 256, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

HB 546 - Senator Halligan moved that HB 546 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

HB 569 - Senator McLane moved that HB 569 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

HB 605 - Senator Bishop moved that HB 605 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

HB 669 - Senator Neuman moved that HB 669 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

HJR 13 - Senator Halligan moved that HJR 13 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

HJR 36 - Senator Crippen moved that HJR 36 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hirsch, Weeding.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Story moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 19, 1987.

Motion carried.

Senate adjourned at 5:10 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 19, 1987

Senate Chambers
State Capitol

Senate convened at 3:05 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixtieth legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

President Norman asked the Sergeant-at-Arms to escort entertainer Raphael Cristy to the rostrum where he performed as Charles M. Russell, in honor of Russell's 123rd birthday.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/18/87

Correctly enrolled:

SB 23	SB 28	SB 119	SB 188
SB 195	SB 197	SB 225	SB 230
SB 240	SB 262	SB 327	SB 368
SJR 9			

Examined by the sponsors and found to be correct:

SB 23	Halligan
SB 28	Lynch
SB 119	Weeding
SB 188	Walker
SB 195	Rasmussen
SB 197	Rasmussen
SB 225	Halligan
SB 230	Himsl
SB 240	Walker
SB 262	Gage
SB 327	Yellowtail
SB 368	Story
SJR 9	Jergeson

Delivered to the Governor at 9:16 a.m., 3/19/87:

SB 109	SB 237	SB 287	SB 294
SB 309	SB 326	SB 364	SB 367

Delivered to the Secretary of State at 9:18 a.m., 3/19/87:

SJR 11	SJR 12

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/18/87

HB 537, be concurred in. Report adopted.
HJR 28, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 3/18/87

HB 198, be concurred in. Report adopted.
HB 576, be concurred in. Report adopted.
HB 820, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 3/18/87

HB 358, be concurred in. Report adopted.
HB 467, be concurred in. Report adopted.
HB 534, be concurred in. Report adopted.
HB 651, be concurred in. Report adopted.
HB 831, third reading copy, be amended as follows:

1. Page 18, line 25.
Following: "~~, or making~~"
Insert: "making,"

2. Page 22, line 22.
Following: "part"
Strike: "4"
Insert: "3"

3. Page 22, line 23.
Following: "part"
Strike: "4"
Insert: "3"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 3/18/87

HB 402, be concurred in. Report adopted.
HB 729, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 3/18/87

HB 193, be concurred in. Report adopted.
HB 231, be concurred in. Report adopted.

Adverse Committee Report

STATE ADMINISTRATION (Haffey, Chairman) 3/17/87

HJR 10, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~45~~ 46

Noes: Galt, Hager, Keating, Pinsoneault.
Total 4

Excused: None.
Total 0

Absent or not voting: ~~Thayer~~. None.
Total ~~1~~ 0

MESSAGES FROM THE GOVERNOR

The Honorable William Norman March 19, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 110, 218, and 236 on this date.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 185, introduced by B. Williams.

SB 206, introduced by Hirsch.

SB 214, introduced by Mazurek.

SB 231, introduced by Yellowtail.

SB 232, introduced by Mazurek.

SB 249, introduced by Blaylock.

SB 282, introduced by Beck.

SB 299, introduced by Meyer.

House bill passed and transmitted to the Senate for concurrence:

HB 700, introduced by Bradley.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 186, introduced by B. Williams.

SB 196, introduced by B. Brown.

SB 313, introduced by Blaylock.

Senate bill not concurred in and returned to the Senate:

SB 108, introduced by Bishop.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a committee from the House to confer on Senate amendments to HB 326. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Beck
Senator Brown

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 700, introduced by Bradley, Winslow, Vincent, Haffey, Thayer, M. Williams, Regan, Connelly, Blaylock, Van Valkenburg, Farrell, Ream, Iverson, Peck, McCallum, Spaeth, Nathe, Mercer, Donaldson, Ramirez, Neuman, Manuel, J. Brown, Pavlovich, Squires, Menahan, Driscoll, Kadas, Abrams, Harrington, Harp, Keenan, Daily, Halligan, Mazurek, Jergeson, Hirsch, Fritz, Harper, Hansen, Nisbet, Miller, Manning, Moore, Gilbert, Darko, McCormick, Eck, Walker, B. Williams, B. Brown, Corne', Lory, Hofman, Bishop, Pinsoneault, Weeding,

Jacobson, Wallin, Thomas, Schye, Quilici, Addy, Marks, Rehberg, Lynch, Stimatz, Crippen, Jones, Lybeck, Raney, Grady, Strizich (By Request of the Science and Technology Development Board). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jergeson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 83 - Senator Mazurek moved that House amendments to SB 83 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 85 - Senator Gage moved that House amendments to SB 85 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 247 - Senator Meyer moved that House amendments to SB 247 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 260 - Senator Harding moved that House amendments to SB 260 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 263 - Senator Williams moved that House amendments to SB 263 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 277 - Senator Hofman moved that House amendments to SB 277 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Haffey in the Chair.

SB 382 - Senator Jergeson moved that House amendments to SB 382 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jergeson in the Chair.

HB 180 - Senator Williams moved that HB 180 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 188 - Senator Mazurek moved that HB 188 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 220 - Senator Beck moved that HB 220 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 242 - Senator McLane moved that HB 242 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 389 - Senator Weeding moved that HB 389 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 473 - Senator Williams moved that HB 473, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "MANAGEMENT BROKERS"
Insert: "MANAGERS"

2. Page 3, line 13.
Strike: "management broker's"
Insert: "manager's"

3. Page 4, line 13.
Strike: "management broker"
Insert: "manager"

4. Page 5, line 5.
Strike: "management broker"
Insert: "manager"

5. Page 7, line 10.
Strike: "management broker's"
Insert: "manager's"

6. Page 7, line 21.
Strike: "management broker"
Insert: "manager"

7. Page 8, lines 19 and 20.
Strike: "management broker's"
Insert: "manager's"

8. Page 9, line 13.
Strike: "management broker"
Insert: "manager"

9. Page 9, line 19.
Strike: "management broker"
Insert: "manager"

10. Page 10, line 1.
Strike: "management broker"
Insert: "manager"

11. Page 10, line 3.
Strike: "management broker"
Insert: "manager"

12. Page 10, line 17.
Strike: "management broker"

Insert: "manager"

13. Page 10, line 24.
Strike: "management broker"
Insert: "manager"

Amendment passed as follows:

Ayes: Abrams, Anderson, Bengtson, Boylan, Crippen, Eck, Farrell, Hager, Halligan, Himsl, Hirsch, Jergeson, Kolstad, Lybeck, Manning, Meyer, Neuman, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams.
Total 26

Noes: Aklestad, Beck, Blaylock, Gage, Hammond, Harding, Hofman, Jacobson, Keating, Mazurek, McCallum, McLane, Pinsoneault, Regan, Van Valkenburg, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: Bishop, Brown, Galt, Haffey, Lynch, Rasmussen, Story, Mr. President.
Total 8

Senator Williams moved that HB 473, as amended, be concurred in. Senator Crippen made a substitute motion that consideration on HB 473 be passed. Substitute motion failed as follows:

Ayes: Abrams, Blaylock, Boylan, Crippen, Eck, Haffey, Hager, Halligan, Hirsch, Jacobson, Kolstad, Lybeck, Manning, Mazurek, Stimatz, Story, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 20

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hofman, Jergeson, Keating, Lynch, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Thayer, Tveit, Vaughn, Walker, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: Bengtson.
Total 1

Senator Williams' motion failed as follows:

Ayes: Hager, Kolstad, Neuman, Williams.
Total 4

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 46

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Aklestad moved that HB 473 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Lynch, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Vaughn, Walker, Mr. President.
Total 36

Noes: Abrams, Boylan, Haffey, Jacobson, Kolstad, Lybeck, Manning, Mazurek, Neuman, Stimatz, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 505 - Senator Kolstad moved that HB 505 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 574 - Senator Lynch moved that HB 574 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 639 - Senator Pinsoneault moved that consideration on HB 639 be passed. Motion carried.

Senator Halligan excused at this time.

HB 721 - Senator Beck moved that HB 721 be concurred in. Senator Van Valkenburg made a substitute motion that consideration on HB 721 be passed. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 779 - Senator Lybeck moved that HB 779 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HJR 19 - Senator Mazurek moved that HJR 19 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Jergeson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 21, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: Hofman.
Total 1

SB 43, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

SB 73, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

SB 130, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

SB 174, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

SB 180, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

SB 267, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Neuman, Regan, Thayer.
Total 3

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 53 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 94 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 121 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 123 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Crippen.
Total 1

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 165 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Neuman.
Total 1

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 236 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 246 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 266 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 273 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 298 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Boylan, Farrell, Gage, Galt, Hammond, Hirsch, Kolstad, Pinsoneault, Tveit.
Total 9

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 370 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 396 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 404 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 471 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Hammond, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Mazurek, Meyer, Neuman, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Gage, Galt, Hager, Harding, Himsl, Kolstad, Manning, McCallum, McLane, Pinsoneault, Rasmussen, Smith, Story.
Total 14

Paired: Halligan, Aye; Rasmussen, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 499 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.

Total 1

Absent or not voting: None.
Total 0

HB 506 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hager, Harding, Hofman, Jacobson, Jergeson, Keating, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 33

Noes: Aklestad, Beck, Boylan, Galt, Haffey, Hammond, Himsl, Hirsch, Kolstad, Lynch, Neuman, Pinsoneault, Smith, Story, Thayer, Yellowtail.
Total 16

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 511 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Galt, Hirsch.
Total 3

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 541 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 555 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 558 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 615 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 664 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman,

Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Haffey.
Total 1

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 738 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 783 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

HB 822 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that HB 721 on second reading this day be rereferred to the Committee on State Administration. Motion carried.

Senator Thayer moved, without objection, that his vote on the Adverse Committee Report on HJR 10 be recorded as yes.

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 256. Motion carried.

The President appointed the following members:

Senator Pinsoneault, Chairman
Senator Beck
Senator Brown

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/19/87
Signed by the President at 3:30 p.m., 3/19/87:
HB 196 HB 408 HB 450 HB 461
HB 747 HB 755
Signed by the President at 4:10 p.m., 3/19/87:
HB 301 HB 536

Report adopted.

COMMITTEES (Galt/Mazurek, Co-Chairmen) 3/19/87
We, your Committee on Committees, hereby appoint to the Necrology Committee the following members:

Senator Blaylock Senator Kolstad
Senator Lynch Senator Smith

Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 20, 1987.

Motion carried.

Senate adjourned at 5:24 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 20, 1987

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Crippen, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-first legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman)

Correctly enrolled: 3/19/87

SB 40	SB 94	SB 104	SB 128

Correctly enrolled: 3/20/87

SB 14	SB 20	SB 103	SB 133

Examined by the sponsors and found to be correct:

SB 14	Neuman
SB 20	Halligan
SB 40	Halligan
SB 94	Lybeck
SB 103	Hager
SB 104	Pinsoneault
SB 128	Gage
SB 133	Bishop

Signed by the President at 4:40 p.m., 3/19/87:

SB 23	SB 28	SB 119	SB 188
SB 195	SB 197	SB 225	SB 230
SB 240	SB 262	SB 327	SB 368
SJR 9			

Signed by the President at 1:20 p.m., 3/20/87:

SB 40	SB 94	SB 104	SB 128

Signed by the President at 4:30 p.m., 3/20/87:

HB 3	HB 13	HB 21	HB 42
HB 64	HB 67	HB 81	HB 130
HB 267	HB 452		

Signed by the President at 4:45 p.m., 3/20/87:

SB 14	SB 20	SB 103	SB 133

Delivered to the Governor at 8:34 a.m., 3/20/87:

SB 23	SB 28	SB 119	SB 188
SB 195	SB 197	SB 225	SB 230
SB 240	SB 262	SB 327	SB 368

Delivered to the Secretary of State at 8:36 a.m., 3/20/87:
SJR 9

Report adopted.

FISH AND GAME (Smith, Chairman) 3/19/87

HB 429, be concurred in. Report adopted.
HB 431, be concurred in. Report adopted.
HB 454, be concurred in. Report adopted.
HB 486, third reading copy, be amended as follows:

1. Page 1, line 24.

Following: "~~only~~"
Strike: "ONLY BOW AND ARROW OR SHOTGUNS OR BOTH"
Insert: "shotguns"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/19/87

HB 78, third reading copy, be amended as follows:

1. Title, line 6.
Following: "COMPENSATION"
Strike: "LUMP-SUM"

2. Page 1, line 17.
Following: "(b)"
Strike: "to defray"
Insert: "a portion of any lump-sum award or periodic payment to pay"

3. Page 1, lines 19 and 20.
Following: "whenever" on line 19
Strike: remainder of line 19 through "(i)" on line 20

4. Page 1, lines 22 through 25.
Following: "law" on line 22
Strike: remainder of line 22 through "Act" on line 25

5. Page 2, line 1.
Following: "~~Payments~~"
Strike: "A LUMP-SUM PAYMENT"
Insert: "Payments"

6. Page 2, line 2.
Following: "CHAPTER"
Strike: "IS"
Insert: "are"

7. Page 2, line 3.
Following: "~~follows:~~"
Insert: "as follows:"

8. Page 2, lines 11 through 14.
Following: "~~payment~~" on line 11
Strike: remainder of line 11 through "SUPPORT" on line 14
Insert: "(a) for any periodic payment, an amount up to the percentage amount established in the guidelines promulgated in supreme court Order No. 86-223, dated January 13, 1987; or

(b) for any lump-sum award, an amount up to that portion of the award that is approved for payment on the basis of a past-due child support obligation"

And, as amended, be concurred in. Report adopted.

HB 344, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "AN"
Following: "~~EFFECTIVE~~"
Insert: "FOR RETROACTIVE"
Following: "APPLICABILITY"
Strike: "DATE"

2. Page 2, lines 12 through 18.

Strike: subsection (2) in its entirety
Insert: "(2) The time limitations in subsection (1) are applicable to a minor who was under the age of 4 on the date of his injury or death notwithstanding the provisions of 27-2-401, except that such time limitations are tolled for a minor:

(a) until the minor becomes 8 years of age, or dies, whichever occurs first; and

(b) during any period that the minor does not reside with a parent or guardian."

3. Page 2, lines 19 through 21.
Following: "Applicability."
Strike: remainder of lines 19 through 21
Insert: "(1) An action referred to in 27-2-205(2) for injury or death occurring prior to October 1, 1987, must be commenced within 2 years after the effective date of this act or within the time limits in 27-2-205(2), whichever expires last.

(2) This act applies retroactively, within the meaning of 1-2-109, to causes of action that arose prior to October 1, 1987."

And, as amended, be concurred in. Report adopted.

HB 679, third reading copy, be amended as follows:

1. Title, line 4.
Following: "ALLOCATE"
Strike: "50 PERCENT"
Insert: "A PORTION"

2. Title, line 6.
Following: "ABUSE"
Insert: "AND OTHER CRIMES"

3. Page 2, line 4.
Following: "collected"
Insert: "[, except for fines collected by a justice court and distributed pursuant to 3-10-601,]"

4. Page 2.
Following: line 19
Insert: "NEW SECTION. Section 3. Coordination instruction. If House Bill 740, including the section of that bill amending 3-10-601 to provide a percentage of fines to be allocated to the battered spouses and domestic violence grant program, is not passed and approved, the bracketed language in section 1(3) is void."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 3/19/87
HB 810, be concurred in. Report adopted.

LOCAL GOVERNMENT (Pinsoneault, Vice-Chairman) 3/19/87
HB 253, be concurred in. Report adopted.
HB 282, be concurred in. Report adopted.
HB 492, be concurred in. Report adopted.
HB 612, third reading copy, be amended as follows:

1. Title, lines 6 through 9.
Following: "DISSOLUTION,"

Strike: remainder of line 6 through "AREA" on line 9
Insert: "ACCORDING TO A PLAN ADOPTED BY THE BOARD OF DIRECTORS AFTER A PUBLIC HEARING"

2. Page 2, lines 20 through 24.
Strike: "to" on line 20 through "area" on line 24
Insert: "according to a specific plan adopted by the board of directors after a public hearing and set forth in the resolution recommending that the district be dissolved"

And, as amended, be concurred in. Report adopted.

HB 762, be concurred in. Report adopted.

RULES (Van Valkenburg, Chairman) 3/20/87
The Senate Rules Committee recommends to the Senate as a whole that HB 359 requires a majority vote on third reading for passage.

Report adopted.

TAXATION (McCallum, Chairman) 3/19/87
HB 513, be concurred in. Report adopted.

Adverse Committee Report

TAXATION (McCallum, Chairman) 3/18/87
HB 315, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Anderson, Smith.
Total 2

Excused: Crippen.
Total 1

Absent or not voting: Hofman, Mazurek.
Total 2

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 17, introduced by Pinsoneault.

SB 149, introduced by Manning.

House bills passed and transmitted to the Senate for concurrence:

HB 222, introduced by Thomas.

HB 409, introduced by Miles.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 292, introduced by Keating.

SB 305, introduced by Eck.

Conference Committee Report adopted:

HB 374, Conference Committee Report.

MOTIONS

The President ruled that a simple majority vote is required for passage of HB 359 on third reading.

Senator Lynch moved that the Senate reconsider its action in passing HB 506 on third reading, recall it from the House and rerefer it to the Committee on Highways. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Blaylock, Farrell, Hofman, Jergeson, Lybeck, Tveit.
Total 6

Excused: Crippen.
Total 1

Absent or not voting: Brown.
Total 1

Senator Pinsoneault moved that HB 639 be taken from second reading this day and rereferred to the Committee on Local Government. Motion carried.

Senator Van Valkenburg moved that HB 359 be placed on third reading this day. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 222, introduced by Thomas. Referred to Committee on Taxation.
HB 409, introduced by Miles. Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 83, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Thayer.
Total 2

Excused: Crippen.

Total 1

Absent or not voting: None.
Total 0

SB 85, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 247, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 260, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 263, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 277, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: Keating.
Total 1

SB 382, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 163 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond,

Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Halligan, Pinsoneault, Van Valkenburg.
Total 3

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 240 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 256 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Beck, Van Valkenburg.
Total 2

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 443 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 546 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 569 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 579 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Neuman.
Total 1

Excused: Crippen.

Total 1

Absent or not voting: None.
Total 0

HB 580 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 589 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 605 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 640 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 669 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 689 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 699 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 722 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hirsch.
Total 1

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 752 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 803 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HJR 13 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HJR 36 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 359 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Eck, Farrell, Haffey, Hager, Halligan, Hammond, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 41

Noes: Bishop, Gage, Galt, Harding, Himsl, Hirsch, Vaughn, Weeding.

Total 8

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Thayer in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 6 - Senator Lybeck moved that House amendments to SB 6 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 18 - Senator Pinsoneault moved that House amendments to SB 18 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 68 - Senator Gage moved that House amendments to SB 68 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 138 - Senator Hager moved that House amendments to SB 138 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 141 - Senator Bengtson moved that House amendments to SB 141 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 144 - Senator Blaylock moved that House amendments to SB 144 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 151 - Senator Galt moved that House amendments to SB 151 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 186 - Senator Williams moved that House amendments to SB 186 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

SB 202 - Senator Weeding moved that House amendments to SB 202 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 4 - Senator Van Valkenburg moved that HB 4 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Gage, Keating.
Total 2

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 66 - Senator Lynch moved that HB 66 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 69 - Senator McCallum moved that HB 69 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 263 - Senator Kolstad moved that HB 263 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Pinsoneault.
Total 1

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 397 - Senator Jacobson moved that HB 397 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Lynch, Manning, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 38

Noes: Blaylock, Jergeson, Lybeck, Mazurek, Regan, Story, Weeding, Yellowtail.
Total 8

Excused: Crippen.
Total 1

Absent or not voting: Hager, Kolstad, Neuman.
Total 3

HB 424 - Senator Bishop moved that HB 424 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 483 - Senator Brown moved that HB 483 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 487 - Senator Meyer moved that HB 487 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 493 - Senator Tveit moved that HB 493 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 645 - Senator Hammond moved that HB 645 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 769 - Senator McLane moved that HB 769 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 804 - Senator Bengtson moved that HB 804, third reading copy, be amended as follows:

1. Page 6, line 17.
Strike: "FOR"
Insert: "or right to lease because of"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

Senator Bengtson moved that HB 804, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

HB 823 - Senator Gage moved that HB 823 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

Senator Kolstad in the Chair.

HB 837 - Senator Thayer moved that HB 837 be concurred in. Senator Regan made a substitute motion that consideration on HB 837 be passed. Substitute motion carried.

Senator Thayer in the Chair.

HJR 18 - Senator Brown moved that HJR 18 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Crippen.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Thayer moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 151. Motion carried.

The President appointed the following members:

Senator Galt, Chairman
Senator Walker
Senator Stimatz

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 10:00 a.m., March 21, 1987.

Motion carried.

Senate adjourned at 5:33 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 21, 1987

Senate Chambers
State Capitol

Senate convened at 10:06 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-second legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/21/87

Correctly enrolled:

SB 185	SB 206	SB 214	SB 231
SB 232	SB 249	SB 282	SB 299

Delivered to the Governor at 9:16 a.m., 3/21/87:

SB 14	SB 20	SB 40	SB 94
SB 103	SB 104	SB 128	SB 133

Examined by the sponsors and found to be correct:

SB 206	Hirsch
SB 214	Mazurek
SB 231	Yellowtail
SB 232	Mazurek
SB 282	Beck

Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 3/19/87

HB 166, third reading copy, be amended as follows:

1. Title, lines 4 through 7.
Strike: "DELETE" on line 4 through "DUE" on line 7
Insert: "PROVIDE THAT THE LIEN ON REAL OR PERSONAL PROPERTY CREATED BY THE ENTRANCE OF THE CERTIFICATE IS NOT VALID AGAINST ANY THIRD PARTY WHO RECEIVED AN AFFIDAVIT FROM THE MOST RECENT GRANTOR CONFIRMING THAT ALL CONTRIBUTIONS, ASSESSMENTS, PENALTIES, AND INTEREST DUE HAVE BEEN PAID"

2. Page 1, line 15.
Following: "execution."
Insert: "(1)"

3. Page 1, line 17.
Following: "~~due~~"
Insert: ", arising at the time the contributions are due"

4. Page 2.
Following: line 1
Insert: "(2) The lien provided for in subsection (1) is not valid against any third party owning an interest in real or personal property against which the judgment is enforced if:

(a) the third party's interest is recorded prior to the entrance of the certificate as a judgment; and

(b) the third party receives from the most recent grantor of the interest a signed affidavit stating that all contributions, assessments, penalties, and interest due from the grantor have been paid.

(3) A grantor who signs and delivers an affidavit is subject to the penalties imposed by 39-51-3204 if any part of it is untrue. Notwithstanding the provisions of 39-51-3204, the department may proceed against the employer under this section or 39-51-1303, or both, to collect the delinquent contributions, assessments, penalties, and interest."

And, as amended, be concurred in. Report adopted.

HB 170, third reading copy, be amended as follows:

1. Title, lines 4 through 6.
Following: "AN ACT TO" on line 4
Strike: remainder of line 4 through "TAXES" on line 6
Insert: "PROVIDE THAT THE LIEN ON REAL OR PERSONAL PROPERTY CREATED BY A WARRANT FOR DISTRAINT IS NOT VALID AGAINST A THIRD PARTY WHO RECEIVED AN AFFIDAVIT FROM THE MOST RECENT GRANTOR CONFIRMING THAT ALL TAXES, ASSESSMENTS, PENALTIES, AND INTEREST DUE HAVE BEEN PAID"

2. Page 1, line 22.
Following: "~~distraint.~~"
Insert: "The priority date of the tax lien created by filing the warrant of distraint is the date the tax was due as indicated on the warrant for distraint.

(3) The tax lien provided for in subsection (2) is not valid against any third party owning an interest in the real or personal property whose interest is recorded prior to the filing of the warrant for distraint if the third party receives from the most recent grantor of the interest an affidavit stating that all taxes, assessments, penalties, and interest due from the grantor have been paid.

(4) A grantor who signs and delivers to the third party an affidavit as provided in subsection (3) is subject to the penalties imposed by 15-30-321(3) if any part of the affidavit is untrue. Notwithstanding the provisions of 15-30-321(3), the department may bring an action as provided for in that subsection in the name of the state to recover the civil penalty and any delinquent taxes."

3. Page 2, line 4.
Following: "due"
Strike: "after December 31, 1986"
Insert: "on and after the effective date of this act"

And, as amended, be concurred in. Report adopted.

Adverse Committee Reports

LOCAL GOVERNMENT (Pinsoneault, Vice-Chairman) 3/19/87

HB 531, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding,

Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 39

Noes: McCallum, Severson.
Total 2

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 561, third reading copy, be amended as follows:

1. Title, lines 9 and 10.
Following: "7-14-2126,"
Insert: "AND"
Following: "7-14-2610,"
Strike: "AND 7-32-104,"

2. Page 10, line 14.
Following: "ensure that"
Insert: "no salary is less than the salary authorized on June 30, 1987, and that"

3. Page 12, line 25 through line 10, page 13.
Strike: section 9 in its entirety
Renumber: subsequent sections

And, as amended, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 38

Noes: Beck, Hammond, Keating, Severson.
Total 4

Paired: Jacobson, Aye; Hammond, No.

Excused: Blaylock, Crippen, Hager, Himsl, McLane, Meyer, Vaughn, Williams.
Total 8

Absent or not voting: None.
Total 0

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 3/19/87

HB 161, be amended as follows:

1. Page 2, line 17.
Following: "its"
Insert: "legal"

And, as amended, be not concurred in.

Majority Committee members are:

Senator Tveit
Senator Farrell
Senator Hager
Senator Meyer
Senator Weeding
Senator Williams

Senator Tveit moved that the Majority Committee Report be adopted.

Senator Lybeck made a substitute motion that the Minority Committee Report be adopted.

HB 161, be amended as follows:

1. Page 2, line 17.
Following: "its"
Insert: "legal"

Minority Committee members are:

Senator Stimatz
Senator Abrams
Senator Hofman
Senator Lybeck

Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Galt, Haffey, Halligan, Harding, Himsl, Hofman, Jacobson, Kolstad, Lybeck, Lynch, Manning, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total ~~33~~ 34

Noes: Crippen, Farrell, Gage, Hager, Hammond, Hirsch, Jergeson, Keating, Mazurek, McCallum, McLane, Meyer, Neuman, Tveit, Weeding, Williams.
Total 16

Paired: Halligan, Manning, Boylan, Himsl, Blaylock, Stimatz, Jacobson, Vaughn, Ayes; McLane, Crippen, Meyer, Gage, Hager, Williams, Tveit, Farrell, Noes.

Excused: None.
Total 0

Absent or not voting: ~~Harding~~ None.
Total ~~1~~ 0

The Minority Committee Report was adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 220, introduced by Yellowtail.

SB 288, introduced by McLane.

House bills passed and transmitted to the Senate for concurrence:

HB 526, introduced by Schye.

HB 658, introduced by Menahan.

Governor's amendments concurred in and transmitted to the Senate for concurrence in Governor's amendments:

HB 386, introduced by Cody.

MOTIONS

Senator Thayer moved that HB 449 be taken from second reading this day and placed on second reading on the 64th legislative day, 3/23/87. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 526, introduced by Schye, Bishop, Grady, Rapp-Svrcek, Gilbert, Ream, Corne', Hager, Simon, Moore, Squires, Iverson, Pavlovich, Crippen, Harp, Driscoll, Brandewie, Yellowtail, Bulger, Harper, Winslow, Menahan, Meyers, Jacobson, Bradley, Gould. Referred to Committee on Fish and Game.

HB 658, introduced by Menahan, Bachini. Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 6, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 40

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: Lynch.
Total 1

SB 18, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.

Total 9

Absent or not voting: None.
Total 0

SB 68, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SB 138, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 37

Noes: Jergeson, Smith, Story, Tveit.
Total 4

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SB 141, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 38

Noes: Haffey, McCallum, Tveit.
Total 3

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SB 144, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SB 186, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SB 202, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 180 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson,

Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 188 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 40

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: Boylan.
Total 1

HB 220 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 242 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 389 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 505 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 574 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.

Total 9

Absent or not voting: None.
Total 0

HB 779 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HJR 19 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 40

Noes: Smith.
Total 1

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Halligan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 196 - Senator Brown moved that House amendments to SB 196 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.

Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SB 245 - Senator Kolstad moved that House amendments to SB 245 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SB 274 - Senator Hammond moved that House amendments to SB 274 be not concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Hirsch, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Regan, Severson, Smith, Story, Thayer, Tveit, Weeding, Yellowtail.
Total 26

Noes: Brown, Harding, Hofman, Neuman, Pinsoneault, Stimatz, Van Valkenburg, Walker.
Total 8

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: Aklestad, Boylan, Eck, Keating, McCallum, Rasmussen, Mr. President.
Total 7

SB 276 - Senator Pinsoneault moved that House amendments to SB 276 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SB 313 - Senator Van Valkenburg moved that consideration on House amendments to SB 313 be passed. Motion carried.

SB 379 - Senator Yellowtail moved that House amendments to SB 379 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

SJR 1 - Senator Gage moved that House amendments to SJR 1 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 28 - Senator Kolstad moved that HB 28 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.

Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 141 - Senator Mazurek moved that HB 141 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

Senator Haffey in the Chair.

HB 261 - Senator Farrell moved that HB 261 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 277 - Senator Halligan moved that HB 277 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson,

Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

Senator Halligan in the Chair.

HB 363 - Senator Weeding moved that HB 363 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 417 - Senator Mazurek moved that HB 417, third reading copy, be amended as follows:

1. Senate Business and Industry Standing Committee Report, 3/16/87.
Strike: amendment #11 in its entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

Senator Haffey moved that HB 417, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 430 - Senator Brown moved that HB 430 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 532 - Senator Walker moved that HB 532 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 533 - Senator Beck moved that HB 533 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 566 - Senator Brown moved that HB 566 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 771 - Senator Thayer moved that HB 771 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Farrell, McCallum.
Total 3

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HB 837 - Senator Regan moved that HB 837, third reading copy, be amended as follows:

1. Page 12, line 22.
Strike: "state treasury"
Insert: "general fund"

2. Page 12, lines 23 through 25.
Following: "collects"
Strike: remainder of line 23 through "system" on line 25

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

Senator Thayer moved that HB 837, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: None.
Total 0

HJR 21 - Senator Pinsoneault moved that HJR 21 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Brown, Farrell, Gage, Galt, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lybeck, Pinsoneault, Regan, Smith, Story, Thayer.
Total 22

Noes: Bishop, Jergeson, Lynch, Manning, Mazurek, McCallum, Neuman, Stimatz, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 13

Excused: Blaylock, Crippen, Hager, Himsl, Jacobson, McLane, Meyer, Vaughn, Williams.
Total 9

Absent or not voting: Boylan, Eck, Haffey, Rasmussen, Severson, Mr. President.
Total 6

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

Senator Harding requested, without objection, that her vote on the Minority Report on HB 161 be recorded as yes.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 23, 1987.

Motion carried.

Senate adjourned at 11:57 a.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 23, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Crippen, Hager, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-third legislative day, find the same to be correct.

Galt, Chairman

COMMUNICATIONS AND PETITIONS

The Honorable William J. Norman
President of the Senate
Capitol Station
Helena, MT 59620

March 19, 1987

Dear Mr. Norman:

Under direction of the Fiftieth Legislative Assembly of the State of North Dakota, I am forwarding House Concurrent Resolution No. 3004 to you for your review and consideration.

Sincerely,

Ben Meier
Secretary of State

HOUSE CONCURRENT RESOLUTION NO. 3004
(Legislative Council)
(Interim Indian Jurisdiction Committee)

A concurrent resolution urging the President of the United States to establish a presidential commission to study the impact of federal Indian policies on non-Indians living or working on or near Indian reservations in the United States.

WHEREAS, the establishment and governance of the several Indian reservations within the state of North Dakota and other states have resulted from treaties and other acts of the United States government; and

WHEREAS, the various relationships among state, tribal, local, and federal governmental units are both unique and often ill-defined and are extraordinary to the normal relationships envisioned by the framers of our federal system; and

WHEREAS, the solutions to problems regarding the authority of state, tribal, local, and federal governments to exercise governmental powers as they might apply to Indian and non-Indian persons living within reservation boundaries are not readily apparent; and

WHEREAS, tribal governments have purported to extend their jurisdiction to all persons and lands within the boundaries of Indian reservations, including non-Indians and land that is not owned by an Indian or an Indian tribe; and

WHEREAS, the uncertainties of this jurisdictional morass raise substantial questions concerning the availability of full constitutional guarantees to non-Indian citizens residing within reservation boundaries; and

WHEREAS, tribal members are entitled to certain privileges and protections in addition to the privileges and protections of other United States citizens which tends to establish various classes of citizenship with attendant differences in the rights and obligations of these classes of individuals in important areas such as taxation; and

WHEREAS, free and orderly commerce and economic development on reservations is endangered by a lack of certainty in the application of state and federal laws and regulations relative to banking, and other commercial transactions, liquor and gambling control, and other aspects of commerce; and

WHEREAS, these undesirable conditions are largely a result of acts of the United States government, and the state of North Dakota is virtually powerless to achieve their fundamental resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the President of the United States is urged to establish a presidential commission to study the impact of federal Indian policies on non-Indians living or working on or near Indian reservations in the United States and to report the results of its study and its recommendations to the President, the Congress of the United States, and the Secretary of the Interior; and

BE IT FURTHER RESOLVED, that the President is urged to authorize such a commission, in carrying out its responsibilities, to conduct hearings and interviews at sites across the nation and to confer with state, local, tribal, and other government officials, private sector business people, private property owners, and other organizations and individuals affected by matters pertaining to the commission's study; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the United States House of Representatives and United States Senate, each member of the North Dakota Congressional Delegation, the Secretary of the Interior, and the governors and legislative bodies of the states of Arizona, California, Idaho, Minnesota, Montana, New Mexico, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.

R.W. Klonbec
Speaker of the House

Roy Gilbreath
Chief Clerk of the House

Rolland W. Redlin
President of the Senate

Perry Gratberg
Secretary of the Senate

Ben Meier
Secretary of State

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/23/87

Correctly enrolled:
SB 73 SB 130 SB 174 SB 267
Examined by the sponsors and found to be correct:
SB 73 Smith
SB 130 Manning
SB 174 Brown
SB 185 Williams
SB 249 Blaylock
SB 267 Van Valkenburg
SB 299 Meyer
Signed by the President at 10:40 a.m., 3/21/87:
HB 335
Signed by the President at 11:50 a.m., 3/21/87:
SB 206 SB 214 SB 231 SB 232
SB 282
Delivered to the Governor for his approval at 10:10 a.m., 3/23/87:
SB 206 SB 214 SB 231 SB 232
SB 282

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/20/87
HB 426, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 33-1-201"

2. Page 2.
Following: line 12
Insert: "(7) (a) This code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state whereby the political subdivisions undertake to separately or jointly indemnify one another by way of a pooling, joint retention, deductible, or self-insurance plan.

(b) This code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state or any arrangement, plan, or program of a single political subdivision of this state whereby the political subdivision provides to its officers, elected officials, or employees disability insurance or life insurance through a self-funded program."

3. Page 2, line 13 through line 25, page 4.
Strike: sections 2 and 3 in their entirety
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 488, be concurred in. Report adopted.
HB 626, third reading copy, be amended as follows:

1. Title, lines 4 and 5.
Strike: "ABANDONMENT OR"

2. Page 3, line 5.
Strike: "abandonment of the rental unit or"

And, as amended, be concurred in. Report adopted.

HJR 32, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman)
3/20/87

HB 171, third reading copy, be amended as follows:

1. Page 1, line 25 through page 2, line 2.
Strike: "who" on line 25, page 2 through "ACTUARIES" on line 2, page 2
Insert: "who meets the qualifications established by the retirement board"

2. Page 2.
Following: line 8
Insert: "NEW SECTION. Section 2. Extension of authority. Any existing authority of the teachers' retirement board to make rules on the subject of the provisions of this act is extended to the provisions of this act."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 340, third reading copy, be amended as follows:

1. Page 4, lines 23 and 24.
Strike: "IN DETERMINING" on line 23 through "USE IN" on line 24
Insert: "on the attendance during the school fiscal year 1988-1989, and used for budgeting for the"

2. Page 4, line 25.
Strike: "1989"
Insert: "1989-1990"

And, as amended, be concurred in. Report adopted.

HB 365, be concurred in. Report adopted.
HB 818, be concurred in. Report adopted.
HJR 39, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/23/87

HB 73, third reading copy, be amended as follows:

1. Page 1, line 19.
Following: "WHO"
Strike: "COMMITS"
Insert: "is convicted of"

2. Page 1, lines 20 and 21.
Following: "TITLE" on line 20
Strike: remainder of line 20 through "CONVICTED" on line 21

3. Page 1, line 23.
Following: "~~$50~~"
Strike: "NOT LESS THAN AND"

And, as amended, be concurred in. Report adopted.

HB 283, third reading copy, be amended as follows:

1. Title, line 5.
Following: "REQUIRE"
Strike: "A"

2. Title.
Following: line 5

Strike: "AGREEMENT OR COURT ORDER FOR"
Insert: "NOTICE IN CERTAIN CASES WHEN"
Following: "PARENT"
Strike: "TO MOVE"
Insert: "MOVES"

3. Title, line 7.
Following: "RESIDENCE"
Strike: "OUTSIDE"
Insert: "FROM"
Following: "MAKE"
Insert: "CHANGE OF A CHILD'S RESIDENCE TO ANOTHER STATE AND"

4. Title, line 9.
Following: "PARENT"
Strike: "A"

5. Page 2, line 7.
Strike: "been"

6. Page 2.
Following: line 7
Strike: "granted"
Following: "rights"
Strike: "by the court"
Insert: "under a decree"
Following: "or"
Strike: "by"

7. Page 2, line 10.
Following: "SHALL"
Strike: "not change"
Insert: ", before changing"

8. Page 2, line 11.
Following: "state"
Insert: "and"

9. Page 2, line 12.
Following: "consent"
Strike: "or"
Insert: ","

10. Page 2, lines 13 and 14.
Following: "~~UPON~~" on line 13
Strike: remainder of line 13 through "AFTER" on line 14
Insert: "give written"

11. Page 2, lines 14 and 15.
Following: "PARENT" on line 14
Strike: remainder of line 14 through "hearing." on line 15
Insert: ", as provided in subsection (5).

(5) The written notice required by subsection (4) must be served personally or given by certified mail not less than 30 days before the proposed change in residence. Proof of service must be filed with the court that issued the custody order."

12. Page 2, line 15.
Following: "of the"
Strike: "hearing"

Insert: "notice"

13. Page 2, lines 17 through 19.
Following: "schedule." on line 17
Strike: remainder of lines 17 through 19

14. Page 3, line 12.
Strike: "or"

15. Page 3, line 19.
Following: "rights"
Insert: "; or

(f) the custodial parent has changed or intends to change the child's residence to another state"

16. Page 3.
Following: line 22
Insert: "(3) The court may modify the prior decree based on subsection (1)(f) to provide a new visitation schedule and to apportion transportation costs between the parents."
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 284, third reading copy, be amended as follows:

1. Page 2, line 3.
Strike: "removing" through "state"
Insert: "changing the residence of"

2. Page 2, line 4.
Following: "custody"
Insert: "to another state without giving written notice as required in 40-4-217 or"

3. Page 2, line 17.
Strike: "or"

4. Page 2, line 18.
Following: "order"
Insert: "; or

(c) with reasonable cause"

And, as amended, be concurred in. Report adopted.

HB 353, be concurred in. Report adopted.
HB 367, be concurred in. Report adopted.
HB 393, third reading copy, be amended as follows:

1. Title, line 7.
Following: "COURT;"
Insert: "TO CLARIFY THE EXCLUSIVE NATURE OF REMEDIES AVAILABLE FOR DISCRIMINATION;"

2. Page 4.
Following: line 5
Insert: "(7) The provisions of this chapter establish the exclusive remedy for acts constituting an alleged violation of this chapter, including acts that may otherwise also constitute a violation of the discrimination provisions of Article II, section 4, of the Montana constitution or 49-1-102. No other claim or request for relief based

upon such acts may be entertained by a district court other than by the procedures specified in this chapter."

3. Page 6.
Following: line 24
Insert: "(7) The provisions of this chapter establish the exclusive remedy for acts constituting an alleged violation of this chapter, including acts that may otherwise also constitute a violation of the discrimination provisions of Article II, section 4, of the Montana constitution or 49-1-102. No other claim or request for relief based upon such acts may be entertained by a district court other than by the procedures specified in this chapter."

And, as amended, be concurred in. Report adopted.

HB 470, third reading copy, be amended as follows:

1. Page 13, line 4.
Strike: "IMMEDIATELY" through "EFFECTIVELY"

2. Page 13, lines 6 and 7.
Strike: "CONSTITUTIONAL" on line 6 through "CHAPTER" on line 7
Insert: "right against self-incrimination and his right to counsel"

3. Page 13, lines 10 and 11.
Strike: "UNDER" on line 10 through "12" on line 11
Insert: "16"

4. Page 13, line 11.
Following: "~~older~~"
Insert: "of age or older"

5. Page 13, lines 11 and 12.
Strike: "THE" on line 11 through "OF" on line 12

6. Page 13, line 13.
Strike: "OVER"
Insert: "under"

7. Page 13, line 14.
Strike: "12"
Insert: "16"

8. Page 13, line 15.
Strike: "HIS PARENTS"
Insert: "a parent or guardian"

9. Page 13, line 17.
Strike: "OVER"
Insert: "under"

10. Page 13, line 18.
Strike: "12"
Insert: "16"

11. Page 13, line 19.
Strike: "PARENTS"
Insert: "parent or guardian"

12. Page 26, line 11 through page 27, line 12.
Strike: section 13 in its entirety
Renumber: subsequent sections

13. Page 30, line 22.
Strike: "16"
Insert: "15"

14. Page 30, line 24.
Strike: "16"
Insert: "15"

And, as amended, be concurred in. Report adopted.

HB 495, third reading copy, be amended as follows:

1. Page 1, line 10.
Following: "(1)"
Strike: "(a)"

2. Page 1, line 12.
Following: "so"
Strike: ","
Insert: ": (a)"

3. Page 1, line 15.
Following: "institution"
Strike: "."
Insert: ";"

4. Page 1.
Following: line 20
Insert: "(b) prior to the entry of a court order determining custodial rights, he takes, entices, or withholds any child from the other parent where the action manifests a purpose to substantially deprive that parent of parental rights; or"

5. Page 1, line 21.
Following: "~~(c)~~"
Strike: "(B) If"
Insert: "(c) he is one of"
Following: "persons"
Strike: "have"
Insert: "who has"

6. Page 1, lines 22 and 23.
Following: "court" on line 22
Strike: remainder of line 22 through "them" on line 23
Insert: "order and he"

7. Page 1, lines 24 and 25.
Following: "other" on line 24
Strike: remainder of line 24 through "decree" on line 25
Insert: "where the action manifests a purpose to substantially deprive the other parent of parental rights"

And, as amended, be concurred in. Report adopted.

HB 504, third reading copy, be amended as follows:

1. Title, lines 5 through 7.
Following: "ELECTIONS" on line 5
Strike: remainder of line 5 through "LAWS" on line 7

2. Page 2, lines 7 through 17.
Strike: subsection (3) in its entirety
Insert: "(3) (a) Except as provided in subsection (3)(b), a contest of a ballot issue submitted by initiative or referendum may be brought

prior to the election only if it is filed within 30 days after the date on which the issue was certified to the governor, as provided in 13-27-308, and only for the following causes:

(i) violation of the law relating to qualifications for inclusion on the ballot;

(ii) constitutional defect in the substance of a proposed ballot issue; or

(iii) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(b) A contest of a ballot issue based on subsection (3)(a)(iii) may be brought at any time after discovery of illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(c) Nothing in subsection (3) limits the right to challenge a measure enacted by a vote of the people."

3. Page 4, lines 5 through 15.
Strike: subsection (6) in its entirety
Insert: "(6) (a) Except as provided in subsection (6)(b), a contest of a ballot issue submitted by initiative or referendum may be brought prior to the election only if it is filed within 30 days after the date on which the issue was certified to the governor, as provided in 13-27-308, and only for the following causes:

(i) violation of the law relating to qualifications for inclusion on the ballot;

(ii) constitutional defect in the substance of a proposed ballot issue; or

(iii) illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(b) A contest of a ballot issue based on subsection (6)(a)(iii) may be brought at any time after discovery of illegal petition signatures or an erroneous or fraudulent count or canvass of petition signatures.

(c) Nothing in subsection (6) limits the right to challenge a measure enacted by a vote of the people."

And, as amended, be concurred in. Report adopted.

HB 509, third reading copy, be amended as follows:

1. Title, line 9.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "67-1-204"
Insert: "AND 67-1-205"

2. Page 3.
Following: line 9
Insert: "(8) A person having information regarding a violation of subsection (7) shall report such information to the department.

Section 2. Section 67-1-205, MCA, is amended to read:

"67-1-205. Penalties. A person who violates any provision of this part, except 67-1-204(8), shall be guilty of a misdemeanor and punishable by a fine of not more than $500 or by imprisonment for not more than 6 months, or both.""

Renumber: subsequent sections

3. Page 3, line 13.
Following: "of"
Strike: "a civil"
Insert: "an"

4. Page 3, line 15.
Following: "is"
Insert: "conclusively"

5. Page 3, line 16.
Following: "alcohol"
Insert: "or drugs and is"

6. Page 4.
Following: line 2
Insert: "(4) A person who operates an aircraft over the lands and waters of this state is considered to have given consent to a chemical test of his blood, breath, or urine for the purpose of determining the alcohol or drug content of his blood if arrested by a peace officer for operating, attempting to operate, or being in actual physical control of an aircraft while under the influence of alcohol or drugs. The test must be administered at the direction of a peace officer who has reasonable grounds to believe the person was operating, attempting to operate, or in actual physical control of an aircraft while under the influence of alcohol or drugs. The arresting officer may designate which one of the aforesaid tests must be administered. A person who is unconscious or who is otherwise in a condition rendering him incapable of refusal is considered not to have withdrawn the consent provided by this subsection."

Renumber: subsequent subsections

7. Page 4, line 11.
Strike: "61-8-402 AND"

8. Page 4, line 20.
Strike: "2"
Insert: "3"

9. Page 4, line 22.
Following: "section"
Strike: "2"
Insert: "3"

And, as amended, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 3/23/87

Recommend that at the close of business March 21, 1987, employment of the following be terminated:

Melinda Wellman.....Page
Stacey Brandt.....Page
Wendy Jacobson.....Page
Hennry Gary.....Page
Daniel Marden.....Page
Sandra Hollow.....Page
Merry Schlenker.....Page

Joy Sturgis.....Page

Report adopted.

Recommend that at the beginning of business March 23, 1987, the following be employed:

Andrea McClenahan.....Page
Paula Boylan.....Page
Kris Smelser.....Page
Kahn LaCounte.....Page
Julie Lopach.....Page
Chris Zarndt.....Page
Erin Rasmussen.....Page
Heather Yost.....Page

Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 3/20/87
HB 316, be concurred in. Report adopted.
HB 364, third reading copy, be amended as follows:

1. Title, line 10.
Following: "2-15-1842"
Strike: "AND"
Insert: ", 37-4-202,"
Following: "37-29-102,"
Insert: "AND 37-29-404,"
Following: "REPEALING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "2-15-1855,"
Insert: "37-29-202, AND 37-29-203,"

2. Page 2, line 5.
Following: "two"
Strike: "lay persons"
Insert: "public members"

3. Page 2.
Following: line 25
Insert: "Section 2. Section 37-4-202, MCA, is amended to read:

"37-4-202. Meetings — notice — quorum — records. (1) The board shall meet at least once each year in this state at the call of the president and secretary-treasurer. Five days' notice must be given by the department to board members of the time and place of the meeting of the board.

(2) Meetings held for the purpose of examining candidates for a license to practice dentistry in this state may not exceed 6 days.

(3) ~~Four~~ Five members of the board constitute a quorum for the transaction of business. Its proceedings are open to public inspection in cases of public interest.

(4) Money collected by the department under this chapter shall be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6).

(5) The department shall keep a complete record of meetings and proceedings of the board and shall keep a complete account of moneys received and disbursements made by the department.""

Renumber: subsequent section

4. Page 3.
Following: line 25
Insert: "Section 4. Section 37-29-404, MCA, is amended to read:

"37-29-404. Notice of board address — guarantee. (1) A notice must be posted in a conspicuous area on any premises where the practice of denturitry is conducted, with lettering of a size easily read by the average person and in substantially the following form:

ANY CONSUMER WHO HAS A COMPLAINT RELATING TO PRACTICES OF THIS ESTABLISHMENT MAY CONTACT THE MONTANA BOARD OF ~~DENTURITRY~~ DENTISTRY, DEPARTMENT OF COMMERCE, 1424 NINTH AVENUE, HELENA, MONTANA 59620.

(2) All denturist services must be unconditionally guaranteed for a period of not less than 90 days.""
Renumber: subsequent sections

5. Page 4, line 1.
Following: "Repealer."
Strike: "Section"
Insert: "Sections"
Following: "2-15-1855,"
Insert: "37-29-202, and 37-29-203,"

6. Page 4, line 2.
Following: "MCA,"
Strike: "is"
Insert: "are"

And, as amended, be concurred in. Report adopted.

HB 416, be concurred in. Report adopted.
HB 455, be concurred in. Report adopted.
HB 462, third reading copy, be amended as follows:

1. Page 2, line 6.
Following: "home."
Insert: "(1)"

2. Page 2.
Following: line 13
Insert: "(2) A person who has a primary diagnosis of mental illness or who receives mental health services under Title 53, chapter 21, is not eligible for placement in residential services unless he is eligible for and receiving services under this part and Title VII, Part A, of the federal Rehabilitation Act of 1973 (29 U.S.C. 796, as amended)."

And, as amended, be concurred in. Report adopted.

HB 614, be concurred in. Report adopted.
HB 637, be concurred in. Report adopted.
HB 647, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman)
HB 300, third reading copy, be amended as follows: 3/20/87

1. Page 15, line 20.
Insert: "NEW SECTION. Section 14. Coordination instruction. If any act of this legislature is passed and approved which amends

15-30-111 providing for the taxation of all or a portion of previously exempt retirement benefits, sections 8 and 10 of this act providing an exemption for retirement benefits of certain university system employees are void."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 623, be concurred in. Report adopted. 3/23/87
HB 708, be concurred in. Report adopted. 3/20/87
HB 796, third reading copy, be amended as follows: 3/20/87

1. Title, line 9.
Strike: "AN IMMEDIATE"
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES"

2. Page 4, line 15.
Strike: "date"
Insert: "dates"
Strike: "This"
Insert: "(1) Except as provided in subsection (2), this"
Following: line 16
Insert: "(2) Section 23-5-414(3) is effective July 1, 1988."

And, as amended, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 3/21/87
HB 705, be concurred in. Report adopted.
HB 733, third reading copy, be amended as follows:

1. Title, line 6.
Following: ";"
Strike: "AND"

2. Title, line 7.
Following: "MCA"
Insert: ", AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE"

3. Page 4, line 9.
Following: "profit."
Insert: "For purposes of this subsection (q), "nonprofit corporation" means an organization exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act."

4. Page 5.
Following: line 6
Insert: "NEW SECTION. Section 3. Effective date — applicability. (1) This act is effective on passage and approval.

(2) This act applies retroactively, within the meaning of 1-2-109, to taxable years beginning after December 31, 1986."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable William Norman March 23, 1987
President of the Senate
State Capitol

Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 238, 273, and 281 on this date.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 114, introduced by Thayer.

SB 306, introduced by Mazurek.

SB 374, introduced by Neuman.

House bills passed and transmitted to the Senate for concurrence:

HB 84, introduced by Winslow.

HB 185, introduced by Manuel.

HB 243, introduced by Harper.

HB 259, introduced by Winslow.

HB 617, introduced by Vincent.

HB 709, introduced by D. Brown.

HB 716, introduced by J. Brown.

HB 730, introduced by Bachini.

HB 751, introduced by Winslow.

HB 851, introduced by Harp.

HB 852, introduced by Nathe.

HB 876, introduced by Ramirez.

HJR 43, introduced by Winslow.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 118, introduced by Halligan.

SB 136, introduced by Mazurek.

SB 176, introduced by Eck.

The House, on 3/21/87, acceded to the request of the Senate and returned HB 506 for further consideration.

The House, on 3/21/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 151.

The Speaker appointed the following members:

Representative Thoft

Representative Iverson
Representative Holliday

The House, on 3/21/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 256.

The Speaker appointed the following members:

Representative Mercer
Representative Grady
Representative Russell

MOTIONS

Senator Thayer moved that HB 771 be returned to second reading for the purpose of amendment. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 84, introduced by Winslow. Referred to Committee on Taxation.
HB 185, introduced by Manuel. Referred to Committee on Finance and Claims.
HB 243, introduced by Harper (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Finance and Claims.
HB 259, introduced by Winslow (By Request of the Department of Administration). Referred to Committee on State Administration.
HB 617, introduced by Vincent, Harp, Harper, Hansen. Referred to Committee on Taxation.
HB 709, introduced by D. Brown, Marks. Referred to Committee on Taxation.
HB 716, introduced by J. Brown, Grady, Miles, Rasmussen, Bradley, Mazurek. Referred to Committee on Taxation.
HB 730, introduced by Bachini. Referred to Committee on Fish and Game.
HB 751, introduced by Winslow. Referred to Committee on Taxation.
HB 851, introduced by Harp, Lybeck, B. Brown, C. Smith, Jones, Brandewie, Connelly, Cohen, Nelson. Referred to Committee on Taxation.
HB 852, introduced by Nathe (By Request of the House Appropriations Committee). Referred to Committee on Finance and Claims.
HB 876, introduced by Ramirez, Schye. Referred to Committee on Taxation.
HJR 43, introduced by Winslow. Referred to Committee on Business and Industry.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 196, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

SB 245, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Regan.
Total 1

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

SB 276, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

SB 379, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

SJR 1, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 4 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Gage, Keating.
Total 2

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 66 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Lybeck.
Total 1

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 69 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Yellowtail.
Total 1

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 263 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Pinsoneault.
Total 1

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 397 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 41

Noes: Blaylock, Jergeson, Lybeck, Mazurek, Regan, Weeding, Yellowtail.
Total 7

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 424 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding,

Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 483 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 487 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 493 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.

Total 45

Noes: Halligan, Hirsch, Mr. President.
Total 3

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 645 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: Jergeson, Stimatz, Yellowtail.
Total 3

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 769 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 804 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Haffey, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Beck, Bishop, Galt, Hammond, Kolstad, McCallum, Meyer, Tveit.
Total 8

Excused: Crippen, Hager.

Total 2

Absent or not voting: None.
Total 0

HB 823 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HJR 18 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Galt, Himsl.
Total 2

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Bishop in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 292 - Senator Keating moved that House amendments to SB 292 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman,

Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

SB 305 - Senator Eck moved that House amendments to SB 305 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

SB 313 - Senator Blaylock moved that House amendments to SB 313 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 193 - Senator Smith moved that HB 193 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 198 - Senator Hammond moved that HB 198 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 231 - Senator Halligan moved that HB 231 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 358 - Senator Gage moved that HB 358 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 402 - Senator Williams moved that HB 402 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 449 - Senator Thayer moved that HB 449 be concurred in. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Eck, Farrell, Galt, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail.
Total 28

Noes: Abrams, Aklestad, Boylan, Brown, Gage, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, Regan, Severson, Smith, Stimatz, Tveit, Walker.
Total 17

Excused: Crippen, Hager.
Total 2

Absent or not voting: Lybeck, Story, Mr. President.
Total 3

HB 467 - Senator Halligan moved that HB 467 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 47

Noes: Boylan.
Total 1

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 537 - Senator Bengtson moved that HB 537 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 576 - Senator Hammond moved that HB 576 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Neuman.
Total 1

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 651 - Senator Weeding moved that HB 651 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 729 - Senator Rasmussen moved that HB 729 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 820 - Senator Mazurek moved that HB 820 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Pinsoneault.
Total 1

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 831 - Senator Eck moved that HB 831 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HB 386 - Senator Vaughn moved that the Governor's amendments to HB 386 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

HJR 28 - Senator Keating moved that HJR 28 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Crippen, Hager.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Bishop moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 274. Motion carried.

The President appointed the following members:

Senator Hammond, Chairman

Senator Galt
Senator Mazurek

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 24, 1987.

Motion carried.

Senate adjourned at 4:43 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 24, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Thayer, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-fourth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman)

Correctly enrolled: 3/23/87

SB 17	SB 18	SB 21	SB 43
SB 68	SB 83	SB 85	SB 141
SB 144	SB 149	SB 180	SB 220
SB 263	SB 277	SB 288	

Correctly enrolled: 3/24/87

SB 6	SB 138	SB 186	SB 202
SB 247	SB 382		

Examined by the sponsors and found to be correct:

SB 17	Pinsoneault
SB 18	Pinsoneault
SB 21	Story
SB 43	Farrell
SB 68	Gage
SB 83	Mazurek
SB 85	Gage
SB 141	Bengtson
SB 144	Blaylock
SB 149	Manning
SB 180	Harding
SB 220	Yellowtail
SB 263	Williams
SB 277	Hofman
SB 288	McLane

Signed by the President at 4:00 p.m., 3/23/87:

HB 134	HB 143	HB 175	HB 183
HB 249	HB 345	HB 349	HB 401
HB 411	HB 438	HB 439	HB 507
HB 591	HB 691		

Signed by the President at 4:30 p.m., 3/23/87:

HB 165	HB 246	HB 266	HB 298
HB 396	HB 404	HB 558	HB 664
HB 738	HB 783	HB 822	

Signed by the President at 4:45 p.m., 3/23/87:

SB 73	SB 130	SB 174	SB 185
SB 249	SB 267	SB 299	

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/23/87

HB 519, be concurred in. Report adopted.

HB 570, third reading copy, be amended as follows:

1. Title, line 5.
Following: "COURSE"
Insert: "OR A PUBLICLY OWNED GOLF COURSE BEER AND WINE LICENSE IS ISSUED"

2. Page 1, line 20.
Following: "beverages"
Insert: "and for a licensee who has a golf course beer and wine license issued under 16-4-109 to sell beer and wine"

3. Page 1, line 21.
Following: "BUILDING"
Strike: "OF"
Insert: "or"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman)

HB 39, third reading copy, be amended as follows: 3/23/87

1. Title, line 14.
Following: "EDUCATION;"
Insert: "APPROPRIATING MONEY FROM THE LOCAL IMPACT AND EDUCATION TRUST FUND ACCOUNT TO THE BOARD OF REGENTS TO HELP FUND THE VOCATIONAL-TECHNICAL CENTERS;"

2. Title, line 19.
Following: "20-7-326"
Insert: "AND"

3. Title, line 20.
Strike: "20-9-404, AND 20-9-405,"

4. Page 2, line 20.
Following: "a"
Insert: "deputy"

5. Page 5, line 9.
Following: "the"
Insert: "deputy"

6. Page 5, line 10.
Following: "The"
Insert: "deputy"

7. Page 42, line 18.
Strike: "AVAILABLE"
Insert: "appropriated"

8. Page 43.
Following: line 22
Insert: "NEW SECTION. Section 30. Appropriation. There is appropriated $1,454,690 from the local impact and education trust fund account funded by 15-35-108(3)(b) to the board of regents for the fiscal biennium ending June 30, 1989, to be used to operate the vocational-technical centers."
Renumber: subsequent sections

9. Page 43, lines 24 and 25.
Following: "20-7-326,"

Insert: "and"
Strike: "20-9-404, and 20-9-405,"

And, as amended, be concurred in. Report adopted.

HB 356, third reading copy, be amended as follows: 3/23/87

1. Page 2, line 1.
Strike: "April" and "15"
Insert: "May 1"

2. Page 3, line 12.
Strike: "April" and "30"
Insert: "May 1"

And, as amended, be concurred in. Report adopted.

HB 619, be concurred in. Report adopted. 3/23/87
HJR 16, third reading copy, be amended as follows: 3/24/87

1. Page 1, line 20.
Following: "through"
Insert: "a subcommittee of"

2. Page 1, line 21.
Strike: "has"

3. Page 1, lines 21 and 22.
Strike: "serious and responsible attempt"
Insert: "diligent effort"

4. Page 1, line 22.
Strike: "concerns of this lawsuit,"
Insert: "definition of basic education and its funding"

5. Page 1.
Strike: line 23 through "to" on line 24
Insert: "and"
Strike: "appropriate" on line 24

6. Page 1.
Following: line 24
Strike: "may resolve"
Insert: "would address"
Following: "of"
Strike: "the lawsuit"
Insert: "this litigation"

7. Page 2.
Strike: lines 1 through 3

8. Page 2, line 6.
Following: first "the"
Strike: "invaluable help"
Insert: "assistance"
Following: "of the"
Insert: "State"

9. Page 2, line 7.
Following: "Instruction,"
Strike: "determined"
Insert: "attempted to determine"

10. Page 2, line 8.

Following: "of"
Strike: "the accreditation"
Insert: "these"

11. Page 2, line 11.
Following: "review"
Strike: "the"
Insert: "whether"

12. Page 2, line 12.
Following: "standards"
Strike: ";"
Insert: "adequately define basic education; if so, it is now necessary to"

13. Page 4, lines 7 and 8.
Following: "committee" on line 7
Strike: remainder of line 7 through "Legislature" on line 8
Insert: "recommend to the 51st Legislature their definition of a basic education and how such a basic education may be equitably funded"

And, as amended, be concurred in. Report adopted.

HJR 26, be concurred in. Report adopted. 3/23/87

NATURAL RESOURCES (Keating, Chairman) 3/23/87

HB 718, third reading copy, be amended as follows:

1. Title, line 4.
Strike: "REALLOCATING"
Insert: "ALLOCATING"

2. Title, line 5.
Strike: "ENVIRONMENTAL CONTINGENCY ACCOUNT"
Insert: "INTEREST INCOME OF THE RESOURCE INDEMNITY TRUST FUND"

3. Title, line 8.
Strike: "75-1-1101, 75-1-1102"
Insert: "15-38-202"

4. Page 1, line 12 through line 8, page 4.
Strike: sections 1 and 2 in their entirety
Insert: "Section 1. Section 15-38-202, MCA, is amended to read:

"15-38-202. Investment of resource indemnity trust fund — expenditure — minimum balance. (1) All moneys paid into the resource indemnity trust fund shall be invested at the discretion of the board of investments. All the net earnings accruing to the resource indemnity trust fund shall annually be added thereto until it has reached the sum of $10 million. Thereafter, only the net earnings may be appropriated and expended until the fund reaches $100 million. Thereafter, all net earnings and all receipts shall be appropriated by the legislature and expended, provided that the balance in the fund may never be less than $100 million.

(2) Beginning in fiscal year 1982, provided the amount in the resource indemnity trust fund is greater than $10 million, 30% of the interest income of the resource indemnity trust fund must be allocated to the water development state special revenue account created by 85-1-604.

(3) Beginning in fiscal year 1986, 6% of the interest income of the resource indemnity trust fund must be allocated to the department

of health and environmental sciences to be used to implement the Montana Hazardous Waste Act and the federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980 in accordance with Title 75, chapter 10, part 6. The allocation in this subsection must be appropriated for each full biennium as necessary to obtain matching federal funds for the biennium.

(4) Beginning in fiscal year 1990, 4% of the interest income of the resource indemnity trust fund must be allocated to the environmental quality protection fund, provided for in 75-10-704.""

Renumber: subsequent sections

5. Page 4, line 16.
Following: "may"
Insert: "only"

6. Page 4, line 19 through line 2, page 5.
Strike: "as" on page 4, line 19 through "conduct" on line 2, page 5
Insert: ". Fund uses must include the conduct of the hazardous waste site remedial action program, which is"

7. Page 5, line 3.
Strike: "(i)"
Insert: "(a)"

8. Page 5, line 4.
Strike: "(ii)"
Insert: "(b)"

9. Page 5, line 13.
Strike: "(2)(b)"
Insert: "(2)"

10. Page 6.
Following: line 3
Insert: "interest income of the"

11. Page 6, line 4.
Strike: "interest account"
Insert: "fund"

12. Page 6, line 5.
Strike: "75-1-1101"
Insert: "15-38-202"

13. Page 6, line 10.
Following: "~~75-1-1101.~~"
Insert: "(5) Whenever the amount of money in the fund is insufficient to carry out remedial action, the department may apply to the governor for a grant from the environmental contingency account established pursuant to 75-1-1101."

14. Page 8.
Following: line 6
Insert: "NEW SECTION. Section 5. Coordination instruction. If Senate Bill No. 373, including the section of that bill amending 15-38-202, is passed and approved, section 18 of Senate Bill No. 373 must read:

NEW SECTION. Section 18. Coordination instruction. ~~If House Bill No. 777, including the section of that bill amending 15-38-202, is passed and approved:~~

~~(1) the bracketed material in section 12(2)(d) of this act allocating funds to the reclamation and development grants account must read "50%"; and~~

~~(2) the bracketed material in section 6 is void.~~

(1) If House Bill No. 777, including the section of that bill amending 15-38-202, is passed and approved, and if House Bill No. 718, including the section of that bill amending 15-38-202, is passed and approved, the bracketed material in section 12 must read "46%".

(2) If House Bill No. 777, including the section of that bill amending 15-38-202, is passed and approved, and if House Bill No. 718, including the section amending 15-38-202, is not passed and approved, the bracketed material in section 12 must read "50%".

(3) If House Bill No. 777, including the section amending 15-38-202 is not passed and approved, and if House Bill No. 718, including the section amending 15-38-202, is passed and approved, the bracketed material in section 12 must read "52%"."

And, as amended, be concurred in. Report adopted.

HJR 6, be concurred in. Report adopted.
HJR 24, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman)
HB 750, third reading copy, be amended as follows: 3/24/87

1. Title, line 8.
Following: "PROVIDING"
Strike: "AN"
Insert: "A"

2. Page 6, line 17.
Following: "date."
Insert: "(1)"
Following: "act"
Insert: ", except for section 3, is effective on passage and approval.

(2) Section 3"

3. Page 6, line 18.
Following: "~~approval~~"
Strike: "IMPLEMENTATION OF"
Insert: "completion of the following sequence of events in Montana under"

4. Page 6, line 20.
Following: "1986"
Strike: "IN MONTANA"
Insert: ":

(a) the appointment of an emergency planning commission by the governor;

(b) the designation by the commission of emergency planning districts that together encompass the entire state; and

(c) the appointment of members to local planning committees in each district"

And, as amended, be concurred in. Report adopted.

HB 789, third reading copy, be amended as follows: 3/23/87

1. Statement of intent, page 1, line 6.
Following: "rulemaking and"
Strike: "permitting"
Insert: "regulatory"

2. Statement of intent, page 1.
Following: line 9
Strike: "permits"
Insert: "regulation"

3. Statement of intent, page 1, lines 13 through 15.
Following: "facilities"
Strike: "undergo a review and approval process before the commencement of waste handling activities"
Insert: "are regulated to protect public health and the environment"

4. Statement of intent, page 2, line 10.
Following: "facilities;"
Insert: "and"

5. Statement of intent, page 2, line 14.
Following: "accidents"
Strike: "; and"
Insert: "."

6. Statement of intent, page 2, lines 15 through 17.
Strike: subsection (6) in its entirety
Insert: "The legislature intends that the enforcement authority granted to the department under 75-10-413 through 75-10-421 apply to the rules adopted under this act."

7. Title, line 6.
Following: "ESTABLISH"
Strike: "PERMITTING"
Insert: "REGULATORY"

8. Page 3, lines 6 and 7.
Strike: "<u>, WHOSE PRIMARY PURPOSE IS THE TRANSPORTATION</u>"
Insert: "used for the transfer"

9. Page 8, line 18.
Following: "<u>adopt</u>"
Strike: "<u>permitting</u>"
Insert: "regulatory"

10. Page 8, lines 19 through 23.
Following: "<u>facilities</u>."
Strike: remainder of lines 19 through 23 in their entirety

11. Page 8, line 24 through line 1, page 9.
Strike: subsection (3) in its entirety

And, as amended, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 3/24/87

HB 361, be concurred in. Report adopted.
HB 512, be concurred in. Report adopted.
HB 606, third reading copy, be amended as follows:

1. Page 3, line 16.
Following: "~~land;~~"
Strike: "<u>(I)</u>"

Insert: "land,"

2. Page 3, lines 21 through 23.
Strike: subsection (ii) in its entirety

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

March 24, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 109, 237, 287, 294, 309, 364, and 367 on this date. Senate Bill No. 326 was signed March 23, 1987.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 377, introduced by Ramirez.

HB 741, introduced by Harp.

HB 813, introduced by Cohen.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 356, introduced by Kolstad.

SB 357, introduced by Haffey.

MOTIONS

Senator Neuman moved that HB 417 be taken from third reading this day and placed on third reading on the 66th legislative day, 3/25/87. Motion carried.

Senator Haffey moved that HB 431 be taken from second reading this day and placed on second reading on the 66th legislative day, 3/25/87. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 377, introduced by Ramirez, Fritz, Crippen, Hirsch. Referred to Committee on Taxation.
HB 741, introduced by Harp, Hager, Halligan, Meyer (By Request of the State Auditor). Referred to Committee on Taxation.
HB 813, introduced by Cohen, Grady, Harper, Ellison. Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 292, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

SB 305, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

SB 313, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 28 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 141 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Vaughn, Walker, Williams, Mr. President.
Total 44

Noes: McCallum, Tveit, Van Valkenburg, Weeding, Yellowtail.
Total 5

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 261 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 277 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Beck, Gage, Keating, McCallum, Smith, Tveit.
Total 6

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 363 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 430 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 532 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.

Total 1

Absent or not voting: None.
Total 0

HB 533 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 566 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 837 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HJR 21 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Vaughn, Weeding, Williams.
Total 41

Noes: Bishop, Haffey, Lynch, Mazurek, Van Valkenburg, Walker, Yellowtail, Mr. President.
Total 8

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 386, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:27 p.m.

Senate reconvened at 4:10 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/24/87

Examined by the sponsors and found to be correct:

SB 6	Lybeck
SB 138	Hager
SB 186	Williams
SB 202	Weeding
SB 247	Meyer
SB 382	Jergeson

Signed by the President at 2:30 p.m., 3/24/87:

SB 17 SB 18 SB 21 SB 43

SB 68	SB 83	SB 85	SB 141
SB 144	SB 149	SB 180	SB 220
SB 263	SB 277	SB 288	

Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lybeck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 118 - Senator Halligan moved that House amendments to SB 118 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

SB 136 - Senator Mazurek moved that House amendments to SB 136 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

SB 176 - Senator Eck moved that House amendments to SB 176 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 78 - Senator Halligan moved that HB 78 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 253 - Senator Pinsoneault moved that HB 253 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 282 - Senator Halligan moved that HB 282 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 344 - Senator Mazurek moved that HB 344, third reading copy, be amended as follows:

1. Senate Judiciary Standing Committee Report, dated 3/19/87, amendment #2.
Strike: inserted material in its entirety
Insert: "(2) Notwithstanding the provisions of 27-1-401, in an action for death or injury of a minor who was under the age of 4 on the date of his injury, the period of limitations in subsection (1) begins to run when the minor reaches his eighth birthday or dies, whichever occurs first, and the time for commencement of the action is tolled during any period during which the minor does not reside with a parent or guardian."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

Senator Mazurek moved that HB 344, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Neuman, Van Valkenburg.
Total 2

Excused: Thayer.

Total 1

Absent or not voting: None.
Total 0

HB 429 - Senator Smith moved that HB 429 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

Senator Neuman excused at this time.

HB 454 - Senator Harding moved that HB 454 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Severson, Smith, Tveit, Van Valkenburg, Vaughn, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Boylan, Lynch, Meyer, Stimatz, Walker, Weeding.
Total 7

Excused: Neuman, Thayer.
Total 2

Absent or not voting: Halligan, Story, Williams.
Total 3

HB 486 - Senator Smith moved that HB 486 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: McCallum.
Total 1

Excused: Neuman, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 492 - Senator Beck moved that HB 492 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Neuman, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 513 - Senator Lynch moved that HB 513 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Neuman, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 612 - Senator Hager moved that HB 612 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Neuman, Thayer.
Total 2

Absent or not voting: None.

Total 0

HB 679 - Senator Beck moved that HB 679 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Neuman, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 762 - Senator Harding moved that HB 762 be concurred in. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Rasmussen, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Abrams, Blaylock, Halligan, Jergeson, Manning, Pinsoneault, Regan, Walker.
Total 8

Excused: Neuman, Thayer.
Total 2

Absent or not voting: Brown, Meyer.
Total 2

HB 771 - Senator Hammond moved that HB 771, third reading copy, be amended as follows:

1. Page 1, line 17.
Strike: "liberally construed and"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Neuman, Thayer.

Total 2

Absent or not voting: None.
Total 0

Senator Hammond moved that HB 771, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Neuman, Thayer.
Total 2

Absent or not voting: None.
Total 0

HB 810 - Senator Walker moved that HB 810 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Neuman, Thayer.
Total 2

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lybeck moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6

MOTIONS

Senator Galt moved that the Conference Committee on SB 151 be dissolved and that the President be authorized to appoint a Free Conference Committee to meet with a committee from the House to confer on SB 151. Motion carried.

The President appointed the following members:

Senator Galt, Chairman

Senator Stimatz
Senator Walker

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 25, 1987.

Motion carried.

Senate adjourned at 5:40 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

[illegible]

[illegible]

Total 49

[illegible]

Total [illegible]

Excused: Neuman, Thayer.

Total 2

Result on not voting. No [illegible]

[illegible] Senator Walk [illegible] moved that HB 616 be [illegible]

[illegible] Hansen, [illegible] Klasted, Arbersen, Beck, Bengtson, [illegible] Boylan, Dolan, Crippen, Dye, Farrell, Gage, Gall, Harley, Harding, Aimel, Hirsch, Hutson, Jacobsen, Jo[illegible]

Related, Jo[illegible]ck, Lynch, Mawson, Mazurek, McCul[illegible]ma, Mo[illegible] Pinsonneault, Rasmussen, Rowan, Severson, Smith, Stimac, [illegible], Van Valkenburg, Vaughn, Walker, Weeding, Williams.

President

Total 48

[illegible]

Total 0

Excused: Neuman, Thayer.

Total 2

Result on not voting

Total 0

Senator Valkenburg moved that the [illegible] Committee report [illegible] Senate [illegible] Shel[illegible] Neuman [illegible] Beck moved [illegible] [illegible]

SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 25, 1987

Senate Chambers
State Capitol

Senate convened at 3:05 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Thayer, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-fifth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/25/87

Correctly enrolled:

SB 114	SB 196	SB 245	SB 260
SB 276	SB 306	SB 374	SB 379
SJR 1			

Signed by the President at 5:00 p.m., 3/24/87:

HB 94	HB 188	HB 240	HB 273
HB 359	HB 370	HB 499	HB 511
HB 541	HB 555	HB 569	HB 574
HB 580	HB 589	HB 605	HB 615
HB 669	HB 689	HB 722	HJR 13
HJR 36			

Signed by the President at 5:10 p.m., 3/24/87:

SB 6	SB 138	SB 186	SB 202
SB 247	SB 382		

Delivered to the Governor at 10:51 a.m., 3/25/87:

SB 6	SB 138	SB 186	SB 202
SB 247	SB 382		

Delivered to the Governor at 10:52 a.m., 3/25/87:

SB 17	SB 18	SB 21	SB 43
SB 68	SB 83	SB 85	SB 141
SB 144	SB 149	SB 180	SB 220
SB 263	SB 277	SB 288	

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/23/87

HB 437, third reading copy, be amended as follows:

1. Page 1, line 12.
Strike: "a provision of this code"
Insert: "33-1-501; 33-14-201; chapters 2, 16 through 18, and 30 of this title; and part 4 of chapter 25 of this title;"

And, as amended, be concurred in. Report adopted.

HB 648, third reading copy, be amended as follows:

1. Page 1, line 14.
Following: "means"
Insert: ": (a)"

2. Page 1, line 17.
Following: "event"

Insert: "; and

(b) a form of auction pool in which persons bid or wager on the rate or amount of weight gain of one animal compared to the rate or amount of weight gain of one or more other animals with winnings awarded based on the outcome of the contest"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/25/87

HB 167, third reading copy, be amended as follows:

1. Title, line 8.
Following: "PLAINTIFF"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 1.
Following: line 20
Insert: "Section 2. Applicability. This act applies to claims arising after the effective date of this act."

And, as amended, be concurred in. Report adopted.

HB 720, be concurred in. Report adopted.

LOCAL GOVERNMENT (Crippen, Chairman) 3/24/87

SJR 14, third reading copy, be amended as follows:

1. Page 3, line 10.
Strike: "Helena"
Insert: "Bozeman"

2. Page 3, lines 17 through 20.
Strike: subsection (3) in its entirety

And, as amended, do pass. Report adopted.

HB 639, third reading copy, be amended as follows:

1. Senate Local Government Standing Committee Report, dated 3/10/87, amendment #5.
Strike: inserted material in its entirety
Insert: "NEW SECTION. Section 4. Handbook for process servers. (1) The department of commerce shall publish a handbook for process servers and levying officers.

(2) Each person who applies to the clerk of the district court of any county for registration as a process server must demonstrate that he has passed an examination based on the handbook and administered by the board of private security patrolmen and investigators provided for in 2-15-1891.

(3) The department of commerce may charge a reasonable examination fee to cover the costs of publishing the handbook and administering the examination provided for in this section."

2. Senate Local Government Standing Committee Report, dated 3/10/87.
Strike: amendment #22 in its entirety

And, as amended, be concurred in. Report adopted.

HB 697, third reading copy, be amended as follows:

1. Title, lines 10 and 11.

Following: "DISTRICTS;"
Strike: "AUTHORIZING A CHANGE IN THE ASSESSMENT METHOD IF DISTRICT BONDS ARE REFUNDED;"

2. Page 9, line 24 through line 16, page 11.
Strike: sections 6 and 7 in their entirety
Renumber: subsequent sections

3. Page 11, line 18.
Strike: "(1) Sections 5 and 7 are"
Insert: "Section 5 is"

4. Page 11, line 21.
Strike: "sections 5 and 7"
Insert: "section 5"

5. Page 11, lines 22 through 25.
Strike: subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/25/87
HB 29, be concurred in. Report adopted.

Adverse Committee Report

TAXATION (McCallum, Chairman) 3/24/87
HB 565, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Mazurek, McCallum, Tveit.
Total 3

Excused: Thayer.
Total 1

Absent or not voting: Hager.
Total 1

MESSAGES FROM THE GOVERNOR

The Honorable William Norman March 25, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 23, 28, 119, 188, 195, 197, 225, 230, 240, 262, 327, and 368 on March 24, 1987.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 776, introduced by Nathe.

HB 782, introduced by Sands.

HB 863, introduced by Wallin.

The House, on 3/24/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 274.

The Speaker appointed the following members:

Representative Sales
Representative Wallin
Representative Bulger

The House, on 3/25/87, acceded to the request of the Senate and dissolved the Conference Committee on House amendments to SB 151 and authorized the Speaker to appoint a Free Conference Committee.

The Speaker appointed the following members:

Representative Thoft
Representative Iverson
Representative Holliday

MOTIONS

Senator Van Valkenburg moved that the Senate recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:15 p.m.

Senate reconvened at 3:56 p.m.

Senator Neuman moved that HB 417 be taken from third reading and placed on second reading this legislative day. Motion failed as follows:

Ayes: Aklestad, Bengtson, Boylan, Brown, Eck, Gage, Galt, Hager, Hammond, Harding, Jacobson, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Rasmussen, Stimatz, Story, Van Valkenburg, Walker, Weeding, Mr. President.
Total 24

Noes: Abrams, Anderson, Beck, Bishop, Blaylock, Crippen, Farrell, Haffey, Halligan, Himsl, Hirsch, Hofman, Jergeson, Keating, Lybeck, Mazurek, McCallum, Pinsoneault, Regan, Severson, Smith, Tveit, Vaughn, Williams, Yellowtail.
Total 25

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

Senator Galt moved that HB 252 be taken from the Committee on Taxation and placed on second reading on the 68th legislative day, 3/27/87. Senator Van Valkenburg made a substitute motion that HB 252 be taken from the Committee on Taxation and placed on second reading this day at the top of the board. Substitute motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Farrell, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Tveit.
Total 23

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

Senator Hammond moved that the Senate temporarily suspend the rules for the purpose of introducing a Senate Joint Resolution (SJR 15). Motion carried.

The President ruled that SJR 15 be placed on second reading on the 67th legislative day, 3/26/87.

Senator Aklestad moved that HB 252 be placed at the bottom of the board on second reading. Senator Halligan made a substitute motion that HB 252 be placed below HB 614 on second reading. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Regan, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Anderson, Galt, Hammond, Himsl, McCallum, Meyer, Rasmussen, Severson.
Total 8

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

Senator Crippen moved that HB 796 be placed at the top of the board. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 776, introduced by Nathe, Iverson, Gage, Manuel, Roth, Hayne, Asay, Connelly, D. Brown, Holliday, Boylan, E. Smith, McCallum, Stratford, McLane, Mazurek, Bishop. Referred to Committee on Taxation.

HB 782, introduced by Sands. Referred to Committee on Taxation.

HB 863, introduced by Wallin, Brandewie, Keller, Simon, Ellison, Winslow, Hansen, Eudaily, Corne', Peterson, Hayne, Peck, Harp, Thomas, Bachini, Cobb, Thoft, Lory, Fritz, Ream, Harper, Meyers,

Compton, Hoffman, Kadas, Hannah, Kitselman, Giacometto, Menke, Mercer, Switzer, Nelson, Nathe, Rehberg, Hanson, Donaldson. Referred to Committee on Business and Industry.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 118, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: Beck, Galt.
Total 2

SB 136, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

SB 176, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.

Total 1

Absent or not voting: None.
Total 0

HB 193 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 198 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 231 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 358 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 402 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 417 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 449 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hirsch, Jacobson, Jergeson, Kolstad,

Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Thayer, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 31

Noes: Aklestad, Beck, Brown, Gage, Galt, Hammond, Harding, Himsl, Hofman, Keating, Regan, Severson, Smith, Stimatz, Story, Tveit, Vaughn, Yellowtail.
Total 18

Paired: Thayer, Aye; Aklestad, No.

Excused: None.
Total 0

Absent or not voting: Bishop.
Total 1

HB 467 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 537 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 576 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Beck, Hirsch, Neuman.
Total 3

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 651 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 729 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Boylan, Gage, Pinsoneault.
Total 3

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 820 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hammond, Pinsoneault.

Total 2

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 831 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HJR 28 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Beck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 796 - Senator Lynch moved that HB 796 be concurred in. Senator Crippen made a substitute motion that HB 796, third reading copy, be amended as follows:

1. Page 2, line 23.
Following: "limit"
Insert: "— exception"

2. Page 3.
Following: line 8
Insert: "(4) The limitation of 10 bingo machines per establishment does not apply to an establishment that can establish to the satisfaction of the department that it had more than 10 bingo machines available for play prior to March 1, 1987. The limitation for the establishment is the number of bingo machines available for play on that date."
Renumber: subsequent subsection

Amendment passed as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Crippen, Farrell, Gage, Galt, Haffey, Hammond, Himsl, Hirsch, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Smith, Story, Tveit, Vaughn, Williams, Yellowtail.
Total 26

Noes: Abrams, Anderson, Boylan, Brown, Eck, Hager, Halligan, Harding, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Walker, Weeding, Mr. President.
Total 23

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

Senator Lynch moved that HB 796, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Beck, Bengtson, Blaylock, Brown, Hager, Himsl, Hirsch, Lybeck, Mazurek.
Total 9

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

HB 252 - Senator Van Valkenburg moved that HB 252 be moved to the top of the board. Motion carried.

Senator Galt moved that HB 252, third reading copy, be amended as follows:

1. Page 8, line 18.
Strike: "5%"

Insert: "15%"

2. Page 8, lines 18 through 20.
Strike: "AFTER" on line 18 through "VALUE." on line 20

Amendment failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Tveit.
Total 21

Noes: Abrams, Bengtson, Blaylock, Eck, Haffey, Hager, Halligan, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Excused: Thayer.
Total 1

Absent or not voting: Boylan.
Total 1

Senator Galt moved that HB 252 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Tveit, Weeding, Williams.
Total 29

Noes: Bengtson, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 20

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Beck moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/25/87

Examined by the sponsors and found to be correct:

SB 196	Brown
SB 245	Kolstad
SB 260	Harding
SB 276	Pinsoneault
SB 306	Mazurek
SB 374	Neuman
SB 379	Yellowtail
SJR 1	Gage

Signed by the President at 2:50 p.m., 3/25/87:

HB 19	HB 180	HB 242	HB 388
HB 389	HB 505	HB 682	HB 792
HB 815	HJR 19		

Signed by the President at 5:15 p.m., 3/25/87:

SB 196	SB 245	SB 260	SB 276
SB 306	SB 374	SB 379	SJR 1

Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman)
3/25/87

HB 725, be concurred in. Report adopted.
HB 819, be concurred in. Report adopted.
HB 839, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "INDIAN"

2. Page 1, line 18.
Strike: "Indian"

3. Page 2.
Following: line 1
Insert: "(3) "Minority", as used in [sections 1 and 2], means a minority whose rights are protected under section 2 of the Voting Rights Act of 1965, (42 U.S.C. 1973), as amended."

4. Page 2, line 9.
Following: "compact"
Insert: "in area"
Following: "and"
Insert: "as"
Following: "population"
Strike: "and area"

5. Page 2, line 11.
Strike: "Indian"

6. Page 2, line 13.
Strike: "such"

And, as amended, be concurred in. Report adopted.

HJR 34, be concurred in. Report adopted.
HJR 40, be concurred in. Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 3/25/87
HB 5, third reading copy, be amended as follows:

1. Page 3.
Following: line 13
Insert: "Miles City Cool/Warm Water Hatchery Supplemental 81,750
FWP License Fees

245,250 Federal" (insert sums under "Other Appropriated Funds")

2. Page 3, line 23.
Following: "Federal"
Insert: "and Private Revenue"

3. Page 6, line 3.
Following: "ADDITIONS"
Insert: ", Statewide"

4. Page 6, line 16.
Following: "1,890,000"
Insert: "Plant, Auxiliary, and/or Loan"

5. Page 6.
Following: line 16
Insert: "The MSU energy management control system project will be financed under the authority of the board of regents with plant funds, auxiliary funds, or conventional lending, or a combination of such financing sources, on which the debt service will be retired with plant and auxiliary funds. The department of administration may not award a construction contract for this project until the board of regents has approved a financial plan that is based upon an engineering analysis and statement of projected energy savings. The annual conventional lending repayment requirement may not exceed the total estimated net annual savings contained in the MSU plant and auxiliary utility budget base.

Any debt incurred in financing the project does not constitute a liability or obligation or a pledge of the faith and credit of the state but is payable solely from revenues or funds of MSU generated or received for purposes of financing the project. An obligation issued under this part must contain on the face thereof a statement to the effect that the state of Montana is not liable on the obligation and the obligation is not a debt of the state and neither the faith and credit nor the taxing power of the state is pledged to the payment of the principal of or the interest on the obligation."

6. Page 7, line 20.
Following: "$200,000"
Insert: "Architecture and Engineering Construction State Special Revenue"

And, as amended, be concurred in. Report adopted.

HB 6, third reading copy, be amended as follows:

1. Page 4, lines 17 through 19.
Strike: "DEPARTMENT OF STATE LANDS
Hydrogeochemical Effects of Surface Coal
Mining in Southeastern Montana $143,800"
Insert: "BOARD OF OIL AND GAS CONSERVATION
Programmatic Environmental Impact Statement $143,800"

2. Page 7.
Following: line 20
Insert: "Section 5. Reauthorization of a grant. (1) A grant to the governor's office for the Cabin Creek reference to the international joint commission is reauthorized in the amount of $40,000 to be used by the board of oil and gas conservation for a programmatic environmental impact statement."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 3/25/87
HB 453, be concurred in. Report adopted.
HB 642, third reading copy, be amended as follows:

1. Page 2, line 24.
Following: "APPROPRIATION"
Insert: "from the same source"

And, as amended, be concurred in. Report adopted.

HB 760, be concurred in. Report adopted.
HB 777, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 3/25/87
HB 200, be concurred in. Report adopted.
HB 428, be concurred in. Report adopted.
HB 480, be concurred in. Report adopted.
HB 571, be concurred in. Report adopted.
HB 674, be concurred in. Report adopted.
HB 690, be concurred in. Report adopted.
HB 825, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/25/87
HB 325, third reading copy, be amended as follows:

1. Page 7, lines 11 and 12.
Following: "department;"
Strike: "and"
Insert: "(16) contract with the county board of welfare for administration of child and adult protection services for that county; and"
Renumber: subsequent subsection

2. Page 16, line 15.
Strike: "AND"
Insert: ","
Following: "EXPENSES"
Insert: ", and indirect costs"

3. Page 16, line 19.
Following: "SALARIES"
Strike: "AND"
Insert: ","
Following: "TRAVEL,"
Insert: "and indirect costs,"

4. Page 17, line 5.
Following: "THAN"
Strike: "FOUR"
Insert: "five"

5. Page 17, line 7.
Following: "DEPARTMENT,"
Insert: "a representative of a county department of public welfare,"

6. Page 20, line 8.
Strike: "116"
Insert: "117"

7. Page 20.
Following: line 11
Insert: "Section 21. Section 2-18-303, MCA, is amended to read:

"2-18-303. Procedures for utilizing pay schedules. (1) The pay schedules provided in 2-18-311 and 2-18-312 shall be implemented as follows:

(a) The pay schedule provided in 2-18-311 indicates the annual compensation for the fiscal year ending June 30, 1986, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(b) The pay schedule provided in 2-18-312 indicates the annual compensation for the fiscal year ending June 30, 1987, for each grade and step for positions classified under the provisions of part 2 of this chapter.

(c) Each new employee shall advance from step 1 to step 2 of a grade after successfully completing 6 months of probationary service. The anniversary date of an employee shall be established at the end of the probationary period in accordance with rules promulgated by the department.

(d) (i) The compensation of each employee on the first day of the first pay period in fiscal year 1986 shall be that amount which corresponds to the grade and step occupied on the last day of the preceding fiscal year of 1985.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1987 shall be that amount which corresponds to the grade and step occupied on the last day of the fiscal year 1985.

(iii) In compliance with rules adopted to implement this part, each employee is eligible on his anniversary date to advance one step in the pay matrix for fiscal year 1987. However, if the employee's anniversary date falls between (inclusive) July 1 and the first day of the first pay period of fiscal year 1987, he will advance one step on the first day of that pay period.

(2) The pay schedules provided in 2-18-311 and 2-18-312 and the provisions of subsection (1) of this section do not apply to those institutional teachers, liquor store occupations, or blue-collar occupations compensated under the pay schedules provided in 2-18-313, 2-18-314, or 2-18-315.

(3) The pay schedules provided in 2-18-313, 2-18-314, or 2-18-315 shall be implemented as follows:

(a) (i) The pay schedules provided in 2-18-313 indicate the annual compensation for the contracted school term for teachers employed by institutions under the authority of the department of institutions or the department of family services for fiscal years 1986 and 1987.

(ii) The compensation of each teacher on the first day of the first pay period in July, 1985, shall be that amount which corresponds to his level of academic achievement and the step occupied on June 30, 1985.

(iii) The compensation of each teacher on the first day of the first pay period in July, 1986, shall be that amount which corresponds to his level of achievement and the step occupied on June 30, 1985.

(b) (i) The pay schedules provided in 2-18-314 indicate the maximum hourly compensation for fiscal years ending June 30, 1986, and June 30, 1987, for those employees in liquor store occupations who have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1986 or 1987, as the case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(c) (i) The pay schedules provided in 2-18-315 indicate the maximum hourly compensation for fiscal years ending June 30, 1986, and

June 30, 1987, for employees in apprentice trades and crafts and other blue-collar occupations recognized in the state blue-collar classification plan who are members of units that have collectively bargained separate classification and pay plans.

(ii) The compensation of each employee on the first day of the first pay period in fiscal year 1986 or 1987, as the case may be, shall be that amount which corresponds to that grade occupied on the last day of the preceding fiscal year.

(4) (a) (i) No member of a bargaining unit may receive the amounts indicated in the respective pay schedules provided in 2-18-311 through 2-18-315 until the bargaining unit of which he is a member ratifies a completely integrated collective bargaining agreement covering the biennium ending June 30, 1987.

(ii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4)(a)(i) of this section are not completed by July 1, 1985, retroactivity to that date may be negotiated.

(iii) In the event that negotiation and ratification of a completely integrated collective bargaining agreement as required by subsection (4)(a)(i) of this section are not completed by July 1, 1985, members of the bargaining unit involved will continue to receive the compensation they were receiving as of June 30, 1985.

(b) Methods of administration not inconsistent with the purpose of this part and necessary to properly implement the pay schedules provided in 2-18-313 through 2-18-315 may be provided for in collective bargaining agreements.

(5) The current wage or salary of an employee shall not be reduced by the implementation of the pay schedules provided for in 2-18-311 through 2-18-315.

(6) The department may authorize a separate pay schedule for medical doctors if the rates provided in 2-18-311 and 2-18-312 are not sufficient to attract and retain fully licensed and qualified physicians at the state institutions.

(7) The department may develop programs which will enable the department to mitigate problems associated with difficult recruitment, retention, transfer, or other exceptional circumstances. Insofar as the program may apply to employees within a collective bargaining unit, it shall be a negotiable subject under 39-31-305.""
Renumber: subsequent section

8. Page 60, line 9.
Following: "one-half"
Insert: "of the nonfederal share of"

9. Page 60, lines 12 through 16.
Following: "(3)"
Strike: remainder of lines 12 through 16

10. Page 60, line 17.
Strike: "EXCEPT"
Insert: "Except"
Following: "(4)"
Strike: ". IF"
Insert: ", when"

11. Page 60, line 18.
Following: "OF"
Strike: "EXPENDITURE"
Insert: "reimbursement"

12. Page 60, lines 19 through 21.
Following: "1987,"
Strike: remainder of line 19 through "LEVEL" on line 21
Insert: "the county has no further obligation for foster care expenditures"

13. Page 60, line 25.
Strike: "PERCENTAGE OF"

14. Page 61, line 13.
Following: "(1)"
Insert: "(a)"

15. Page 61, lines 14 through 16.
Following: "41-3-404"
Strike: ", 41-5-403, 41-5-523, or 41-5-524"
Following: "facility" on line 15
Strike: "or youth correctional facility"

16. Page 61.
Following: line 25
Insert: "(b) Whenever a disposition under 41-5-403, 41-5-523, or 41-5-524 involves placement in a youth care facility or youth correctional facility and the department is responsible for all or part of the cost of such placement, the court shall order the probation officer to conduct an investigation of the financial status of the youth's parents or guardianship assets."

17. Page 83, line 3.
Strike: ";"
Insert: ". The court shall determine whether continuation in the home would be contrary to the welfare of the child and whether reasonable efforts have been made to prevent or eliminate the need for removal of the child from his home. The court shall include such determination in the order committing the youth to the department."

18. Page 122, line 6.
Following: "~~arrange~~"
Strike: "provide"
Insert: "arrange"

19. Page 147, line 9.
Strike: "116"
Insert: "117"

20. Page 147, line 10.
Strike: "115"
Insert: "116"

21. Page 147, line 12.
Strike: "116(1)"
Insert: "117(1)"

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENTS

Announcements were made.

The President ruled, without objection, that HB 252 be placed on third reading on the 67th legislative day, 3/26/87.

At the request of Senator McCallum, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator McCallum moved that HB 741 be taken from the Committee on Taxation and rereferred to Committee on Business and Industry. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Mazurek.
Total 1

Excused: Thayer.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., March 26, 1987.

Motion carried.

Senate adjourned at 6:58 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 26, 1987

Senate Chambers
State Capitol

Senate convened at 3:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-sixth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/26/87

Correctly enrolled:
SB 292 SB 305 SB 313

Examined by the sponsors and found to be correct:
SB 114 Thayer
SB 292 Keating
SB 305 Eck
SB 313 Blaylock

Signed by the President at 8:48 a.m., 3/26/87:
SB 114

Delivered to the Governor at 9:24 a.m., 3/26/87:
SB 196 SB 245 SB 260 SB 276
SB 306 SB 374 SB 379

Delivered to the Governor at 10:22 a.m., 3/26/87:
SB 114

Delivered to the Secretary of State at 9:26 a.m., 3/26/87:
SJR 1

Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 3/26/87

HB 523, be concurred in. Report adopted.
HB 607, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/26/87

HB 592, third reading copy, be amended as follows:

1. Title, lines 4 and 5.
Following: ""AN ACT" on line 4
Strike: remainder of line 4 through "BREACH OF" on line 5
Insert: "ESTABLISHING THE CONDUCT REQUIRED BY"

2. Title, lines 6 and 7.
Following: "DEALING" on line 6
Strike: remainder of line 6 through "STATUTE" on line 7

3. Page 1.
Strike: line 10, page 1 through line 23, page 2 in its entirety

4. Page 3, lines 1 through 8.
Following: "1." on line 1
Strike: remainder of section 1 in its entirety
Insert: "Implied covenant of good faith and fair dealing. The conduct required by the implied covenant of good faith and fair dealing is

honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade."

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 3/25/87

HB 661, third reading copy, be amended as follows:

1. Page 1, line 10.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"

2. Page 1, line 10.
Following: "75-7-103"
Insert: "AND 75-7-117"

3. Page 2, lines 15 and 16.
Following: "75-7-102"
Strike: ", AS DETERMINED BY THE ~~TEAM~~ SUPERVISORS"

4. Page 2, line 17.
Strike: "AN ANNUAL PLAN OF"
Insert: "a plan of annual"

5. Page 3.
Following: line 5
Insert: "Section 2. Section 75-7-117, MCA, is amended to read:

"75-7-117. Rules — minimum standards. (1) ~~By July 1, 1975, the~~ The board of natural resources and conservation, after consultation with the association of conservation districts, shall adopt, and may from time to time revise, rules setting minimum standards and guidelines for the purpose of this part.

(2) ~~By January 1, 1976, the~~ The supervisors of each district shall adopt, and may from time to time revise, by resolution after a public hearing rules setting standards and guidelines for projects~~,~~ and exclusions~~,~~ within their districts which ~~shall~~ meet, ~~or~~ exceed, or are not covered by the minimum standards set by the board under subsection (1)."""
Renumber: subsequent sections

Committee adopted the following statement of intent:

Statement of Intent
HB 661

A statement of intent is required for this bill in order to clarify that the board of natural resources and conservation and boards of supervisors of conservation districts may revise their rules as necessary. Section 2 clarifies that boards of supervisors are authorized to establish standards and guidelines for projects and exclusions within their districts for matters not covered by the minimum standards and guidelines established by the board of natural resources and conservation. Section 2 also provides authorization to adopt rules identifying repair and maintenance activities that are not "projects" as that term is defined in 75-7-103 because the activities do not significantly alter a stream. Section 2 further authorizes rulemaking to identify the following:

(1) categories of information that should be included in plans of annual operation;

(2) procedures for filing the plans; and

(3) procedures for evaluation and board of supervisor decisions concerning the plans.

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 3/25/87

HB 327, third reading copy, be amended as follows:

1. Page 2, line 11.
Following: "subsection"
Strike: "(2)"
Insert: "(3)"

2. Page 2.
Following: line 15
Insert: "(2) If the alleged cause of death is sudden infant death syndrome, the coroner shall inform the parents or guardians that:

(a) an autopsy is required to establish the cause of death;

(b) the cost of the autopsy will be borne by the state; and

(c) if they object to an autopsy and the infant's attending physician certifies that the death was caused by sudden infant death syndrome, an autopsy is not required under subsection (3)."
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 641, third reading copy, be amended as follows:

1. Page 1, line 24.
Following: "institutions"
Strike: "if"

2. Page 1, line 25.
Following: "(a)(i)"
Insert: "for not more than 30 days if"

3. Page 2, lines 1 and 2.
Following: "53-21-102"
Strike: ", BUT WHOSE TEMPORARY ADMISSION SHALL NOT EXCEED 30 DAYS"

4. Page 2, line 3.
Following: "(ii)"
Insert: "if"

5. Page 2, lines 16 and 17.
Following: "termination."
Insert: "(1)"
Following: "approval"
Insert: "."
Strike: "and"
Insert: "(2) Section 1(2)"

And, as amended, be concurred in. Report adopted.

HJR 37, third reading copy, be amended as follows:

1. Page 1.
Strike: lines 16 through 18 in their entirety

2. Page 1, lines 19 through 21.
Following: "escalating"

Strike: remainder of line 19 through "inflation" on line 21

3. Page 1, lines 22 and 23.
Following: "increased"
Strike: remainder of line 22 through "inflation" on line 23

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/26/87
HB 259, be concurred in. Report adopted.
HB 459, third reading copy, be amended as follows:

1. Title, line 17.
Following: "13-1-302,"
Insert: "13-10-201,"

2. Title, line 18.
Following: "13-10-403,"
Insert: "13-10-405,"
Following: "MCA;"
Insert: "REPEALING SECTION 13-10-406, MCA;"

3. Title, line 19.
Strike: "A CONTINGENT"
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES"

4. Page 4, line 2.
Following: "administrator."
Insert: "If a county election administrator specifies polling places or hours that differ from those set for the school election, the county shall bear any additional costs incurred as a result of the different polling places or hours."

5. Page 4.
Following: line 15
Insert: "Section 3. Section 13-10-201, MCA, is amended to read:

"13-10-201. Declaration for nomination. (1) Each candidate in the primary election, except nonpartisan candidates filing under the provisions of chapter 14, shall send a declaration for nomination to the secretary of state or election administrator. Each candidate for governor shall send a joint declaration for nomination with a candidate for lieutenant governor.

(2) A declaration for nomination shall be filed in the office of:

(a) the secretary of state for a congressional office, state or district office to be voted for in more than one county, member of the legislature, or judge of the district court;

(b) the election administrator for a county, municipal, precinct, or district office (other than a member of the legislature or judge of the district court) to be voted for in only one county.

(3) Each candidate shall sign the declaration and send with it the required filing fee or, in the case of an indigent candidate, send with it the documents required by 13-10-203. The declaration for nomination shall be acknowledged by an officer empowered to acknowledge signatures if sent by mail or by the officer of the office at which the filing is made.

(4) The declaration, when filed, is conclusive evidence that the elector is a candidate for nomination by his party.

(5) The declaration for nomination shall be in the form and contain the information prescribed by the secretary of state. The secretary of state and election administrator shall furnish declaration for nomination forms to individuals requesting them.

(6) Declarations for nomination shall be filed no sooner than ~~the first business day in January of an~~ 135 days before the election ~~year for that office~~ in which the office first appears on the ballot and no later than 5 p.m., 75 days before the date of the primary election.""

Renumber: subsequent sections

6. Page 6.
Following: line 6
Insert: "Section 7. Section 13-10-405, MCA, is amended to read:

"13-10-405. Submission and verification of petition. Petitions of nomination for the presidential preference primary election must be presented to the election administrator of the county in which the signatures are gathered. The election administrator must verify the signatures in the manner prescribed in 13-27-303 through 13-27-308 and must forward the petitions to the secretary of state. The petitions must be submitted to the election administrator ~~at least 30 days~~ before the filing deadline established in 13-10-201(6). No filing fee is required.""

Renumber: subsequent sections

7. Page 6, line 13 through page 7, line 2.
Strike: section 7 in its entirety
Insert: "NEW SECTION. Section 9. Presidential preference primary election procedures. (1) The polls for a presidential preference primary election must open not later than noon. The county election administrator may order the polls to open earlier, but no earlier than 7 a.m.

(2) Procedures for the close of voter registration for a presidential preference primary election must follow 13-2-301.

(3) The county election administrator may designate polling places for a presidential preference primary that differ from those designated for other county elections. Notice of the location of polling places must be given as provided in 13-3-105.

(4) For a presidential preference primary election, the election administrator shall appoint, under the provisions of 13-4-102(3), at least three election judges for each polling place. The judges may also serve for school elections and special district elections. The provisions of 13-4-105, 13-4-106, and 13-4-107 apply to the election judges for the presidential preference primary.

(5) Election day polling place procedures, absentee balloting, challenged ballot procedures, canvassing, and recount procedures for the presidential preference primary election must comply with the requirements of Title 13, except that presidential preference primary returns may be canvassed and reported by precinct or by polling place."

8. Page 7.
Following: line 7

Insert: "NEW SECTION. Section 11. Repealer. Section 13-10-406, MCA, is repealed."
Renumber: subsequent sections

9. Page 7, lines 13 and 16.
Following: "SECTIONS"
Strike: "7 AND 8"
Insert: "9 and 10"

10. Page 7, line 17.
Strike: "Contingent effective"
Insert: "Effective"

11. Page 7.
Following: line 17
Strike: "This act is"
Insert: "(1) Sections 1, 2, 4 through 6, and 8 through 10 are"

12. Page 7.
Following: line 22
Insert: "(2) Section 3 is effective July 1, 1987.

(3) Sections 7, 11, and this section are effective on passage and approval."

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill No. 151
Report No. 1, March 25, 1987

Mr. President:

We, your Free Conference Committee on Senate Bill No. 151, met and considered:

Senate Bill No. 151

We recommend as follows:

That Senate Bill No. 151, reference copy, be amended as follows:

1. Page 2, line 9.
Strike: "JUNE"
Insert: "September"

2. Page 2, lines 16 through 20.
Strike: "ANY" on line 16 through "ASSOCIATION." on line 20

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Galt, Chairman	Thoft, Chairman
Walker	Iverson
Stimatz	Holliday

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

March 25, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 238, 273, and 281 on March 22, 1987.

Sincerely,

Ted Schwinden
Governor

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

March 25, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 20, 40, 94, 104, 128, and 133 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

March 26, 1987

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 103, "AN ACT ~~CLARIFYING~~ REVISING THE METHOD FOR PAYMENT OF THE STANDARD PREVAILING RATE OF WAGES ~~UNDER THE PROVISIONS OF THE "LITTLE DAVIS BACON ACT"~~ WHEN AN EMPLOYER IS NOT A PARTY TO A COLLECTIVE BARGAINING AGREEMENT; ELIMINATING THE REQUIREMENT TO PAY FRINGE BENEFITS AS WAGES; REPEALING SECTION 18-2-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" without my signature and recommend the attached amendments for the following reasons.

Under current law, a non-union contractor is required to pay fringe benefits as wages on all public contracts. Senate Bill 103, as passed, authorizes that contractor to pay those fringe benefits as wages, or to pay them into a pension plan approved by certain federal or state agencies.

Because public contracts represent only a small portion of most contractors' work, this requirement may lead to the creation of temporary pension and benefit plans for individual public projects. My third amendment limits payment of pension and benefit contributions on public contracts to pension and benefit plans that the contractor maintains for his private contracts as well.

My second and third amendments remove unnecessary state duplication of federal functions by striking the provision for approval of fringe benefit plans by the State Auditor.

My first amendment corrects a grammatical error that resulted from amendments in the bill before passage.

I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL NO. 103
(Reference Copy)

1. Page 1, line 16.
Following: "18-2-403"
Strike: "a,"

2. Page 2, line 2.
Following: "LABOR"
Insert: "or"

3. Page 2, line 3.
Following: "SERVICE"
Strike: ", OR THE MONTANA COMMISSIONER OF INSURANCE"
Insert: "and provided that the employer also makes contributions to that plan for his employees whenever he is performing a private sector contract"

MESSAGES FROM THE OTHER HOUSE

The House, on 3/25/87, rejected Senate amendments to HB 123 and the Speaker was authorized to appoint a Conference Committee to meet with a committee from the Senate to confer on HB 123.

The Speaker appointed the following members:

Representative Mercer
Representative Keller
Representative Bradley

The House, on 3/25/87, rejected Senate amendments to HB 256 and the Speaker was authorized to appoint a Conference Committee to meet with a committee from the Senate to confer on HB 256.

The Speaker appointed the following members:

Representative Sales
Representative Campbell
Representative Pistoria

The House, on 3/25/87, rejected the Senate amendments to HB 752 and the Speaker was authorized to appoint a Conference Committee to meet with a committee from the Senate to confer on HB 752.

The Speaker appointed the following members:

Representative Gilbert
Representative Winslow
Representative Bulger

The House, on 3/25/87, rejected Senate amendments to HB 210 and the Speaker was authorized to appoint a Free Conference Committee to meet with a committee from the Senate to confer on HB 210.

The Speaker appointed the following members:

Representative Swysgood
Representative Grady
Representative DeMars

The House, on 3/25/87, rejected Senate amendments to HB 471 and the Speaker was authorized to appoint a Free Conference Committee to meet with a committee from the Senate to confer on HB 471.

The Speaker appointed the following members:

Representative Simon
Representative Kitselman
Representative Darko

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 471. Motion carried.

The President appointed the following members:

Senator Eck, Chairman
Senator Keating
Senator McLane

Senator Hammond moved that the following names be added to the list of sponsors of SJR 15: Lybeck, Hirsch, Manning, Boylan, B. Williams, Jergeson, Weeding, Pinsoneault, Yellowtail, Neuman, Van Valkenburg, Abrams, Walker, Smith, Tveit, McCallum, Aklestad, Farrell, Gage, Harding, Meyer, Severson, Himsl, B. Brown, Crippen, Keating, Story, Beck, Rasmussen, Lynch, Blaylock, Norman, Halligan, Mazurek, Bengtson, Haffey, Eck, Regan, Stimatz, Jacobson, Hofman, Anderson, Thayer, Vaughn, McLane, Galt, Bishop, Hager. Motion carried.

Senator Van Valkenburg moved that the Senate recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:17 p.m.

Senate reconvened at 3:58 p.m.

Senator Aklestad moved that HB 252 be taken from third reading this day and placed on third reading on the 68th legislative day, 3/27/87. Motion carried.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SR 3, introduced by Haffey. Referred to Committee on State Administration.
SR 4, introduced by Haffey. Referred to Committee on State Administration.
SJR 15, introduced by Hammond, Boylan, Kolstad, Compton. Not referred to Committee.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 78 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 253 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 282 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 344 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: Van Valkenburg, Yellowtail.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 429 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 454 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Beck, Kolstad, Story.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 486 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 47

Noes: Blaylock, Hirsch, Lybeck.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 492 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, Boylan, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 513 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 612 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 679 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 762 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Pinsoneault, Regan, Walker.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 771 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 810 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of Senator Neuman, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Neuman moved that HB 519 be taken from second reading this day and rereferred to the Committee on Judiciary.

Senator Boylan moved the previous question. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Halligan, Himsl, Keating, McLane, Meyer, Neuman, Regan, Tveit, Van Valkenburg, Vaughn.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Neuman's motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 22

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Williams.
Total 28

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Mazurek in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 356 - Senator Kolstad moved that House amendments to SB 356 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 357 - Senator Haffey moved that House amendments to SB 357 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 161 - Senator Lybeck moved that HB 161 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Eck, Gage, Galt, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Pinsoneault, Severson, Smith, Stimatz, Story, Van Valkenburg, Walker, Yellowtail, Mr. President.
Total 32

Noes: Bengtson, Blaylock, Farrell, Haffey, Hager, Jergeson, Mazurek, McCallum, Meyer, Neuman, Rasmussen, Regan, Thayer, Tveit, Vaughn, Weeding, Williams.
Total 17

Excused: None.
Total 0

Absent or not voting: McLane.
Total 1

HB 166 - Senator Gage moved that HB 166 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 170 - Senator Gage moved that HB 170 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 171 - Senator Hammond moved that HB 171 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 316 - Senator Hager moved that HB 316 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 340 - Senator Regan moved that HB 340 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Bengtson.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 364 - Senator Vaughn moved that HB 364, third reading copy, be amended as follows:

1. Title, line 11.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 4.
Following: line 8
Insert: "NEW SECTION. Section 7. Conduct of business. (1) When the board takes action in a matter relating to the licensing of a

denturist or the revocation of a denturist's license, only the denturist member, the two public members, and one dentist member selected annually for that purpose by the board may vote.

(2) When the board takes action in a matter relating to the licensing of a dentist or the revocation of a dentist's license, only the dentist members and the two public members may vote."

Renumber: subsequent sections

3. Page 4.
Following: line 14
Insert: "NEW SECTION. Section 10. Termination date. Section 7 terminates June 30, 1989."

Amendment failed as follows:

Ayes: Bengtson, Blaylock, Eck, Harding, Himsl, Jacobson, Lybeck, Manning, Meyer, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 17

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Hofman, Jergeson, Keating, Kolstad, Lynch, Mazurek, McLane, Neuman, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 30

Excused: None.
Total 0

Absent or not voting: Hirsch, McCallum, Mr. President.
Total 3

Senator Jacobson moved that HB 364 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams.
Total 35

Noes: Haffey, Halligan, Himsl, Hofman, Lybeck, Manning, Pinsoneault, Vaughn, Walker, Yellowtail, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: Boylan, Hirsch, McCallum, Smith.
Total 4

HB 365 - Senator Neuman moved that HB 365 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bishop, Boylan, Farrell, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Kolstad, Manning, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Thayer, Van Valkenburg, Vaughn, Weeding, Williams.
Total 25

Noes: Aklestad, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Gage, Galt, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Mazurek, Meyer, Regan, Stimatz, Story, Tveit, Walker, Yellowtail.

Total 24

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SJR 15 - Senator Van Valkenburg moved that SJR 15 be moved to the top of the board. Motion carried.

HB 637 - Senator Van Valkenburg moved that HB 637 be placed below SJR 15. Motion carried.

SJR 15 - Senator Hammond moved that SJR 15 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 637 - Senator Williams moved that HB 637 be concurred in. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 32

Noes: Abrams, Blaylock, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Mazurek moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/26/87

HB 179, third reading copy, be amended as follows:

1. Title, line 7.
Following: "COMPANIES"
Insert: "; PROVIDING AN EXCEPTION"

2. Page 1, line 10.
Following: "acquisition"
Insert: "— exception"
Before: "Notwithstanding"
Insert: "(1)"

3. Page 1.
Following: line 19
Insert: "(2) Nothing in this section prohibits the continued control of a financial institution eligible for insurance under the Federal Deposit Insurance Act by a company that acquired the financial institution prior to March 1, 1987."

And, as amended, be concurred in. Report adopted.

HB 466, third reading copy, be amended as follows:

1. Page 6, line 2.
Following: "agency,"
Insert: "school district, postsecondary vocational-technical center or program,"

And, as amended, be concurred in. Report adopted.

HB 622, third reading copy, be amended as follows:

1. Page 5, line 14.
Following: "subsection (1)."
Insert: "Such fine may not exceed a maximum of $1,000."

And, as amended, be concurred in. Report adopted.

HJR 43, be concurred in. Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 3/26/87

HB 611, third reading copy, be amended as follows:

1. Page 1, line 16.
Strike: "FIFTY PERCENT OF ANY"
Insert: "Any"

2. Page 1, line 21.
Strike: "SEVEN AND ONE-HALF"
Insert: "Fifteen"

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 3/26/87

HB 385, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/26/87

HB 207, third reading copy, be amended as follows:

1. Page 2, line 4.
Strike: "60"
Insert: "120"

2. Page 2, line 5.
Following: "DEPARTMENT."
Insert: "The failure of the department to make final disposition of a claim within 120 days after it is presented to the department must be considered a final denial of the claim for purposes of this subsection."

3. Page 2, lines 7 and 8.
Following: "FOR" on line 7
Strike: remainder of line 7 through "LESS" on line 8
Insert: "120 days"

And, as amended, be concurred in. Report adopted.

HB 219, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "O-MOC-SEE"
Insert: "O-MOK-SEE, TRAIL RIDING, HORSE PACKING, HORSE SHOW"

2. Page 1, line 15.
Strike: "an"
Insert: "a"

3. Page 1, line 16.
Strike: "O-MOC-SEE"
Insert: "o-mok-see, trail riding, horse packing, horse show"

And, as amended, be concurred in. Report adopted.

HB 241, third reading copy, be amended as follows:

1. Page 1, lines 23 through 25.
Following: "employment." on line 23
Strike: remainder of lines 23 through 25

2. Page 2, line 13.
Following: "AND"
Strike: "means the"
Insert: "any other"

3. Page 2, line 14.
Following: "employment"
Strike: remainder of line 14 through "retirement"
Insert: ", including resignation"

4. Page 2, line 15.
Following: "work,"
Insert: "failure to recall or rehire, and"

5. Page 2, line 17.
Following: "reason"
Strike: ", or resignation"

6. Page 2, line 22 through page 3, line 2.
Strike: subsection (4) in its entirety
Renumber: subsequent subsections

7. Page 3, line 10.
Following: "DUTIES"
Strike: "OR"
Insert: ","

8. Page 3, line 11.
Following: "OPERATION"
Insert: ", or other legitimate business reason"

9. Page 3, line 25 through page 4, line 3.
Following: "(2)" on line 25
Strike: remainder of line 25 through "cause" on line 3, page 4
Insert: "the discharge was not for good cause and the employee had completed the employer's probationary period of employment"

10. Page 4.
Following: line 14
Insert: "(2) The employee may recover punitive damages otherwise allowed by law if it is established by clear and convincing evidence that the employer engaged in actual fraud or actual malice in the discharge of the employee in violation of [section 4(1)]."
Renumber: subsequent subsection

11. Page 4, line 19.
Strike: "subsection"
Insert: "subsections"
Following: "(1)"
Insert: "and (2)"

12. Page 6, line 1.
Following: "~~COLOR,~~"
Insert: "color,"

13. Page 6, lines 5 through 8.
Following: "term" on line 5
Strike: remainder of line 5 through "party" on line 8

14. Page 6, line 15.
Following: "FOR"
Strike: "WRONGFUL"

15. Page 6, line 17 through page 7, line 9.
Following: "CONTRACT" on line 17
Insert: "."
Strike: remainder of line 17 through line 9, page 7

16. Page 9, line 3.
Strike: "accruing"
Insert: "arising"

And, as amended, be concurred in. Report adopted.

HB 309, third reading copy, be amended as follows:

1. Page 4, line 23.
Strike: "subsection"
Insert: "subsections"

2. Page 4, line 24.
Following: "(2)"
Insert: "and (3)"

3. Page 5.
Following: line 8
Insert: "(3) In assuring that the right of individual privacy so essential to the well-being of a free society may not be infringed without the showing of a compelling state interest, the following public records of the division are exempt from disclosure:

(a) information of a personal nature, such as personal, medical, or similar information, if the public disclosure thereof would constitute an unreasonable invasion of privacy, unless the public interest by clear and convincing evidence requires disclosure in the particular instance. The party seeking disclosure shall have the burden of showing that public disclosure would not constitute an unreasonable invasion of privacy.

(b) any public records or information, the disclosure of which is prohibited by federal law or regulations.

(4) If any public record of the division contains material which is not exempt under subsection (3), as well as material which is exempt from disclosure, the division shall separate the exempt and nonexempt and make the nonexempt material available for examination."

And, as amended, be concurred in. Report adopted.

HB 442, third reading copy, be amended as follows:

1. Title, lines 7 and 8.
Following: "CASES;" on line 7
Strike: remainder of line 7 through "DAMAGES;" on line 8

2. Page 2, line 7.
Following: ";"
Insert: "or"

3. Page 2, line 8.
Following: "contract"
Strike: ","
Insert: "."

4. Page 2, lines 9 through 14.
Strike: subsections (III) and (IV) in their entirety

5. Page 5, line 18.
Following: "(a)"
Strike: "If"
Insert: "When"
Following: "the"
Strike: "trier of fact"
Insert: "jury"

6. Page 5, line 20.
Following: "the"
Strike: "judge"
Insert: "jury"

7. Page 5.
Following: line 20
Strike: line 21 through "time"
Insert: "be submitted to the judge for review as provided in subsection (8)(c)"

8. Page 5, line 22.
Following: "made"
Insert: "by the judge"

9. Page 5, lines 22 and 23.
Following: "," on line 22
Strike: remainder of line 22 through "judge" on line 23

Insert: "he"

10. Page 6, lines 17 through 24.
Strike: subsection (9) in its entirety
Insert: "(c) The judge shall review a jury award of punitive damages, giving consideration to each of the matters listed in subsection (8)(b). If after review the judge determines that the jury award of punitive damages should be increased or decreased, he may do so. The judge shall clearly state his reasons for increasing or decreasing the punitive damages award of the jury in findings of fact and conclusions of law, demonstrating consideration of each of the factors listed in subsection (8)(b).

(9) The plaintiff may not present, with respect to the issue of exemplary or punitive damages, any evidence to the jury regarding the defendant's financial affairs or net worth unless the judge first rules, outside the presence of the jury, that the plaintiff has presented a prima facie claim for exemplary or punitive damages."

11. Page 6, line 25 through page 7, line 8.
Strike: sections 3 and 4 in their entirety
Renumber: subsequent sections

12. Page 7, line 20.
Following: "ARISING"
Strike: "AND policies of insurance issued"

And, as amended, be concurred in. Report adopted.

HB 482, be concurred in. Report adopted.
HB 491, be concurred in. Report adopted.
HB 501, third reading copy, be amended as follows:

1. Page 2, line 5.
Following: "~~assistance.~~"
Insert: "The small claims court judge shall assist any claimant in preparing an affidavit or may direct the clerk of court to provide such assistance."

And, as amended, be concurred in. Report adopted.

HB 503, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "hiking,"
Insert: "touring or viewing cultural and historical sites and monuments,"

2. Page 1, lines 17 and 18.
Following: "expeditions." on line 17
Strike: remainder of lines 17 and 18

And, as amended, be concurred in. Report adopted.

HB 554, third reading copy, be amended as follows:

1. Page 1, line 20.
Following: "statement,"
Insert: "book, photograph, movie, television production, play,"

2. Page 1, line 21.
Following: "proceeds"
Insert: "paid or"

3. Page 2, line 8.
Following: "and"
Insert: "the county as reimbursement for any public defender or"

And, as amended, be concurred in. Report adopted.

HB 564, third reading copy, be amended as follows:

1. Page 3, line 7.
Following: "~~designation~~"
Insert: "[or until the agreement provided for in 3-11-205 terminates]"

2. Page 10.
Following: line 9
Insert: "NEW SECTION. Section 13. Coordination instruction. If House Bill No. 482, including the section of that bill amending 3-11-205, is not passed and approved, the bracketed language in section 3(2) is void."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 737, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 3/26/87
HB 302, third reading copy, be amended as follows:

1. Page 1, line 14.
Following: "state"
Insert: "on January 1, 1987, or a successor thereto,"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/26/87
HB 721, third reading copy, be amended as follows:

1. State Administration Committee Report, dated 3/13/87.
Strike: the amendments in their entirety

2. Title, lines 9 through 11.
Following: "MEET" on line 9
Strike: remainder of line 9 through "YEARS" on line 11
Insert: "NOT MORE THAN 95 LEGISLATIVE DAYS IN REGULAR SESSION DURING THE TERM FOR WHICH A MEMBER OF THE HOUSE OF REPRESENTATIVES IS ELECTED; TO REQUIRE THE LEGISLATURE TO APPORTION THE ALLOWABLE LEGISLATIVE DAYS BETWEEN SESSIONS"

3. Page 1, lines 23 through 25.
Following: "session" on line 23
Strike: remainder of line 23 through "years" on line 25

4. Page 1, line 25.
Following: ":"
Insert: "The legislature may not meet in regular sessions more than 95 legislative days during the term for which members of the house of representatives are elected. The legislature shall limit by law the length of each regular session. The length of a regular session so established may not exceed 60 legislative days."

5. Page 2, line 5.
Following: "members of"
Insert: "each house of"

6. Page 2, line 10.
Following: "members of"
Insert: "each house of"

7. Page 2, line 11.
Following: "legislature."
Insert: "No bill introduced for consideration in one session of the legislature may be carried over for consideration in any other session."

8. Page 2, lines 23 and 24.
Following: "meet" on line 23
Strike: remainder of line 23 through "sessions" on line 24
Insert: "each year, with limitations on legislative days and business to be conducted"

9. Page 2, line 25 through page 3, line 1.
Following: "meet" on line 25
Strike: remainder of line 25 through "sessions" on page 3, line 1
Insert: "each year, with limitations on legislative days and business to be conducted"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Bill Norman
President of the Senate
State Capitol
Helena, MT 59620

March 26, 1987

Dear Senator Norman:

In accordance with the attached letter, I hereby withdraw the nomination of Blake Wordal for the State Tax Appeal Board.

Sincerely,

Ted Schwinden
Governor

Governor Ted Schwinden
State Capitol
Helena, Montana 59620

March 26, 1987

Dear Governor Schwinden:

Reluctantly, I feel that I must ask you to withdraw my nomination to the State Tax Appeal Board.

I take this action because the Republican members of the Senate have made it clear that they are politically opposed to my nomination and have no intention of considering it on its merits. The Republicans have made their opposition to my nomination known even before you sent it up to the Senate. I had hoped that the passage of time would soften their partisan opposition, but unfortunately, it has not. Frankly, there are far too many important issues facing our state today than whether or not I serve on the Board. I do not wish to be used as a barrier to the Senate's progress on other important issues or as a pawn in the political maneuvering that lies ahead.

In addition, I believe that the enormous workload facing the State Tax Appeal Board will suffer under a prolonged partisan confrontation over my

nomination. The taxpayers deserve better than a drawn-out confirmation battle would give them. My experience on the Helena City Commission has taught me the importance of resolving the many appeals currently facing the Board.

Ted, I deeply appreciate your confidence in me and regret that I am unable to serve in this capacity.

Sincerely,

Blake J. Wordal

MESSAGES FROM THE OTHER HOUSE

The House, on 3/26/87, rejected the Senate amendments to HB 163 and the Speaker was authorized to appoint a Conference Committee to meet with a committee from the Senate to confer on HB 163.

The Speaker appointed the following members:

Representative Mercer
Representative Giacometto
Representative D. Brown

The House, on 3/26/87, rejected the Senate amendments to HB 277 and the Speaker was authorized to appoint a Conference Committee to meet with a committee from the Senate to confer on HB 277.

The Speaker appointed the following members:

Representative Sales
Representative Eudaily
Representative Connelly

The House, on 3/26/87, rejected the Senate amendments to HB 837 and the Speaker was authorized to appoint a Free Conference Committee to meet with a committee from the Senate to confer on HB 837.

The Speaker appointed the following members:

Representative Jenkins
Representative Hanson
Representative Holliday

MOTIONS

Senator Mazurek moved that HB 741 be taken from the Committee on Business and Industry and rereferred to the Committee on Taxation. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 22

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Hager, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Tveit, Williams.
Total 25

Excused: None.
Total 0

Absent or not voting: Galt, Thayer, Weeding.

Total 3

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee on Senate amendments to HB 752. Motion carried.

The President appointed the following members:

Senator Eck, Chairman
Senator Rasmussen
Senator Hager

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee on Senate amendments to HB 256. Motion carried.

The President appointed the following members:

Senator Mazurek, Chairman
Senator Beck
Senator Pinsoneault

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee on HB 210. Motion carried.

The President appointed the following members:

Senator Smith, Chairman
Senator Severson
Senator Jergeson

Senator Van Valkenburg moved that the rules be temporarily suspended in order to place SJR 15 on third reading this day. Motion carried.

Senator McCallum moved that HB 361 be taken from second reading and rereferred to the Committee on Taxation. Motion carried.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SJR 15 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~49~~ 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: ~~Weeding~~ None.
Total ~~1~~ 0

Senator Van Valkenburg moved, without objection, that Senator Weeding's vote on SJR 15 be recorded as yes.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 1:00 p.m., March 27, 1987.

Motion carried.

Senate adjourned at 7:28 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

Conference Committee

Motion carried.

The President appointed the following members thereof:

Senator Mazurek, Chairman
Senator Beck
Senator Pirtle

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee on HB 210. Motion carried.

The President appointed the following members:

Senator Smith, Chairman
Senator Severson
Senator Jensen

Senator Van Valkenburg moved that the rules be suspended in order to place SJR 15 on third reading this day. Motion carried.

Senator McCallum moved that HB 861 be taken from second reading and referred to the Committee on Taxation. Motion carried.

THIRD READING OF BILLS

The following bill having been read three several times, this and history thereof is disposed of in the following manner:

SJR 15 passed as follows:

Ayes: Abrams, Akkerstad, Anderson, Beck, Benedetto, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Gels, Heffley, Regier, Halligan, Hamburg, Harding, Hugel, Hirsch, Hofman, Jacobson, Jensen, Lynch, Manning, Mazurek, McCallum, McLeod, Smith, Sorenson

SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 27, 1987

Senate Chambers
State Capitol

Senate convened at 1:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Beck, Bishop, Blaylock, Brown, Crippen, Galt, Halligan, Mazurek, Neuman, Pinsoneault, Smith, Yellowtail, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-seventh legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/26/87
Signed by the President at 5:30 p.m., 3/26/87:
SB 292 SB 305 SB 313
Delivered to the Governor at 9:56 a.m., 3/27/87:
SB 292 SB 305 SB 313

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/27/87
HB 586, be concurred in. Report adopted.
HB 741, third reading copy, be amended as follows:

1. Page 4, line 12.
Following: "22"
Insert: ", except 33-22-111"

And, as amended, be concurred in. Report adopted.

HB 806, third reading copy, be amended as follows: 3/26/87

1. Title, line 7.
Following: "SECTIONS"
Insert: "33-10-201,"

2. Page 1.
Following: line 12
Insert: "Section 1. Section 33-10-201, MCA, is amended to read:

"33-10-201. Short title, purpose, scope, and construction. (1) This part shall be known and may be cited as the "Montana Life and Health Insurance Guaranty Association Act".

(2) The purpose of this part is to protect policyowners, insureds, beneficiaries, annuitants, payees, and assignees of life insurance policies, health insurance policies, annuity contracts, and supplemental contracts, subject to certain limitations, against failure in the performance of contractual obligations due to the impairment of the insurer issuing such policies or contracts.

(3) To provide this protection:

(a) an association of insurers is created to enable the guaranty of payment of benefits and of continuation of coverages;

(b) members of the association are subject to assessment to provide funds to carry out the purpose of this part; and

(c) the association is authorized to assist the commissioner, in the prescribed manner, in the detection and prevention of insurer impairments.

(4) This part shall apply to direct life insurance policies, health insurance policies, annuity contracts, and contracts supplemental to life and health insurance policies and annuity contracts issued by persons authorized to transact insurance in this state at any time.

(5) This part shall provide coverage for covered policies:

(a) to persons who are owners of or certificate holders under such covered policies, and who:

(i) are residents; or

(ii) are not residents, but only under all of the following conditions:

(A) the insurers that issued the policies are domiciled in this state;

(B) the insurers have not held a license or certificate of authority in the state in which the persons reside;

(C) the states have associations similar to the association created under this part; and

(D) the persons are not eligible for coverage by those associations; and

(b) to persons who, regardless of where they reside, except for non-resident certificate holders under group policies or contracts, are the beneficiaries, assignees, or payees of the persons covered under subsection (5)(a).

~~(5)~~(6) This part shall not apply to:

(a) any such policies or contracts or any part of such policies or contracts under which the risk is borne by the policyholder;

(b) any such policy or contract or part thereof assumed by the impaired insurer under a contract of reinsurance, other than reinsurance for which assumption certificates have been issued.

~~(6)~~(7) This part shall be liberally construed to effect the purpose under subsections (2) and (3) which shall constitute an aid and guide to interpretation.

~~(7)~~(8) Nothing in this part shall be construed to reduce the liability for unpaid assessments of the insureds of an impaired insurer operating under a plan with assessment liability.""

Renumber: subsequent sections

3. Page 1, lines 22 and 23.
Strike: "held by a resident of this state"

4. Page 1, line 24.
Following: "(4)"
Strike: "and (5)"
Insert: "through (6)"

5. Page 2, line 10.
Strike: "(5)"

Insert: "(6)"

6. Page 3, line 13.
Strike: "and such"
Insert: "but"

7. Page 3, line 15.
Following: "~~services~~"
Insert: "may not otherwise be compensated by the association for their services. However, any designated representatives of members of the board"

8. Page 3, line 16.
Strike: "an insurer"
Insert: "the member insurers that designated them"

9. Page 3, line 17.
Strike: "as board members"
Insert: "on the board of directors"

10. Page 3, line 18.
Strike: "membership"
Insert: "members of the association"

11. Page 7, lines 11 through 18.
Strike: subsection (6) in its entirety
Insert: "(6)(a) If proceeding under 33-10-220, the association may, with respect to life and health insurance policies:

(i) assure payment of benefits for premiums identical to the premiums and benefits, except for terms of conversion and renewability, that would have been payable under the policies of the insolvent insurer for claims incurred:

(A) with respect to group policies, not later than the earlier of the next renewal date under the policy or contract or 45 days, but in no event less than 30 days, after the date on which the association becomes obligated with respect to the policies;

(B) with respect to individual policies, not later than the earlier of the next renewal date, if any, under the policies or 1 year, but in no event less than 30 days, from the date on which the association becomes obligated with respect to the policies;

(ii) make diligent efforts to provide all known insureds, or group policyholders with respect to group policies, 30 days notice of the termination of the benefits provided; and

(iii) make available substitute coverage on an individual basis in accordance with subsection (6)(b) to each known insured, or owner if other than the insured, of an individual policy and to any individual formerly insured under a group policy who is not eligible for replacement group coverage, if the insured had a right under law or the terminated policy to convert coverage to individual coverage or to continue an individual policy in force until a specified age or for a specified time during which the insurer had no right unilaterally to make changes in any provision of the policy or had a right only to make changes in premium by class.

(b) (i) In providing the substitute coverage required under subsection (6)(a)(iii), the association may offer to reissue the terminated coverage or issue an alternative policy.

(ii) Reissued or alternative policies must be offered without requiring evidence of insurability and may not provide for any waiting period or exclusion that would not have applied under the terminated policy.

(iii) The association may reinsure any reissued or alternative policy.

(c) (i) Alternative policies adopted by the association are subject to the approval of the commissioner. The association may adopt policies of various types for future reissuance without regard to any particular impairment or insolvency.

(ii) Alternative policies must contain at least the minimum statutory provisions required in this state and provide benefits that are not unreasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates that it shall adopt. The premium must reflect the amount of insurance to be provided and the age and class of risk of each insured, but may not reflect any changes in the health of the insured after the original policy was last underwritten.

(iii) Alternative policies issued by the association shall provide coverage of a type similar to that of the policy issued by the impaired or insolvent insurer, as determined by the association.

(d) If the association elects to reissue terminated coverage at a premium different from that charged under the terminated policy, the premium must be set by:

(i) the association in accordance with the amount of insurance provided and the age and class of risk, subject to approval of the commissioner; or

(ii) a court of competent jurisdiction.

(e) The association's obligation with respect to coverage under any policy of the impaired or insolvent insurer or under any reissued or alternative policy ceases on the date the coverage or policy is replaced by another similar policy by the policyholder, insured, or association."

12. Page 13, line 15.
Strike: "7"
Insert: "8"

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 3/26/87
HB 381, third reading copy, be amended as follows:

1. Page 8, line 9.
Strike: ";"
Insert: "."

2. Page 8, lines 10 and 11.
Strike: subsection (I) in its entirety

3. Page 8, line 20.
Following: "~~39-51-204(1)(l)~~"
Insert: ", or for cosmetologist's services or barber's services as defined in 39-51-204(1)(l)"

And, as amended, be concurred in. Report adopted.

HB 772, third reading copy, be amended as follows:

1. Title, line 4.
Following: "ACT"
Insert: "GENERALLY"

2. Title.
Following: line 6
Strike: line 7 in its entirety through "AND" on line 8
Insert: "TO MEAN EITHER THE HEAVY HIGHWAY CONSTRUCTION WAGE RATE OR THOSE WAGES PAID IN THE PREVAILING WAGE RATE DISTRICT FOR"
Following: "CHARACTER"
Strike: ""

3. Title, line 9.
Following: "SECTIONS"
Insert: "17-5-1526, 17-5-1527, 17-6-325,"
Following: "18-2-401"
Strike: "AND 18-2-402"
Insert: "THROUGH 18-2-403, AND 90-5-114"

4. Page 1, line 14.
Strike: "heavy/highway"
Insert: "heavy highway construction"

5. Page 2.
Following: line 4
Insert: "(5) For each prevailing wage rate district established under this section, the commissioner shall determine the standard prevailing rate of wages to be paid employees, as provided in 18-2-401 and 18-2-402."

6. Page 2.
Following: line 16
Insert: "(4) "District" means a prevailing wage rate district established as provided in [section 1]."
Renumber: subsequent subsections

7. Page 3, line 3.
Following: "(5)"
Strike: "Heavy/highway"
Insert: "Heavy highway construction"

8. Page 3, line 6.
Following: "for"
Insert: "heavy highway construction"

9. Page 3, lines 9 through 13.
Following: "wages"
Strike: remainder of line 9 through "performed," on line 13
Following: "" on line 13
Insert: "or "standard prevailing wage""
Following: "means" on line 13
Insert: ":

(i) the heavy highway construction wage rates applicable to heavy highway construction projects; or

(ii)"
Following: "than"
Strike: "heavy/highway"

Insert: "heavy highway construction"

10. Page 3, line 20.
Following: "."
Strike: "The"
Insert: "In each district, the"

11. Page 4, lines 13 and 14.
Following: "wages"
Strike: remainder of line 13 through "performed" on line 14
Insert: "applicable to public works contracts under this part"

12. Page 4, line 19.
Following: "rates"
Strike: "for a district"

13. Page 5.
Following: line 2
Insert: "Section 4. Section 18-2-403, MCA, is amended to read:

"18-2-403. Preference of Montana labor in public works — wages — federal exception. (1) In any contract let for state, county, municipal, school, or heavy highway construction, services, repair, or maintenance work under any law of this state, there shall be inserted in the bid specification and the contract a provision requiring the contractor to give preference to the employment of bona fide Montana residents in the performance of the work.

(2) All public works contracts under subsection (1), except those for heavy highway construction, must contain a provision requiring the contractor ~~and~~ to pay the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions, in effect and applicable to the ~~county or locality~~ district in which the work is being performed.

(3) In every contract for heavy highway construction, there must be inserted a provision to require the contractor to pay the heavy highway construction wage rates established statewide for such project.

~~(2)~~(4) No contract may be let to any person, firm, association, or corporation refusing to execute an agreement with the above-mentioned provisions in it, provided that in contracts involving the expenditure of federal-aid funds this part may not be enforced in such a manner as to conflict with or be contrary to the federal statutes prescribing a labor preference to honorably discharged veterans of the armed forces and prohibiting as unlawful any other preference or discrimination among citizens of the United States.

~~(3)~~(5) Failure to include the provisions required by 18-2-422 in a public works contract relieves the contractor from his obligation to pay the standard prevailing wage rate and places such obligation on the public contracting agency."

Section 5. Section 17-5-1526, MCA, is amended to read:

"17-5-1526. Procedure prior to financing projects. (1) The board may finance projects [other than major projects] under this part only when it finds that:

(a) the financing is in the public interest and is consistent with the legislative purposes and findings set forth in 17-5-1502;

(b) the financing to be provided by the board for a project does not exceed either $800,000 or 90% of the cost or appraised value of the project, whichever is less;

(c) a financial institution will participate in financing the project, either directly or through a letter of credit, to the extent of at least 10% of the financing to be provided by the board;

(d) the financing for the project is insured or guaranteed in whole or in part by a private or governmental insurer or guarantor, including but not limited to a guaranty by the board pursuant to 17-5-1519;

(e) an applicant has submitted a statement indicating any contracts to construct the projects will require all contractors to give preference to the employment of bona fide Montana residents, as defined in 18-2-401~~(4)~~, in the performance of the work on the projects if their qualifications are substantially equal to those of nonresidents; "substantially equal qualifications" means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons; and

(f) adequate provision is made in the loan agreement, lease, or other credit arrangement regarding a project or projects being financed to provide for payment of debt service on bonds of the board issued to finance such project or projects, to create and maintain reserves therefor, and to meet all costs and expenses of issuing and servicing the bonds.

(2) In order to make the findings as described in subsection (1)(a), a hearing must be conducted in the following manner:

(a) the city or county in which the project will be located must be notified; and the city and county must, within 14 days after receipt of the notice, notify the board if it elects to conduct the hearing; or

(b) if no request for a local hearing is received, the board may hold the hearing at a time and place it prescribes.

(3) If the hearing required by subsection (2) is conducted by a local government, the governing body of the local government must notify the board of its determination of whether the project is in the public interest within 14 days of the completion of the public hearing.

(4) When a hearing is required either locally or at the state level, notice must be given, at least once a week for 2 weeks prior to the date set for the hearing, by publication in a newspaper of general circulation in the city or county where the hearing will be held. The notice must include the time and place of the hearing; the general nature of the project; the name of the lessee, borrower, or user of the project; and the estimated cost of the project.

(5) The requirements of subsections (1)(b) through (1)(d) do not apply to bonds that are not secured by the board's guarantee under 17-5-1519 or the capital reserve account authorized by 17-5-1515."

Section 6. Section 17-5-1527, MCA, is amended to read:

"17-5-1527. Procedure prior to financing major projects. (1) The board may finance major projects under this part only when it finds that:

(a) the financing is in the public interest and is consistent with legislative purposes and findings;

(b) the financing to be provided by the board for a project does not exceed either $10 million or 90% of the cost or appraised value of the project, whichever is less;

(c) a financial institution will participate in financing the project if the cost or appraised value is less than $1 million, either directly or through a letter of credit, to the extent of at least 10% of the financing to be provided by the board, provided, however, that participation by a financial institution in projects of over $1 million is at the discretion of the board;

(d) the financing for the project is insured or guaranteed in whole or in part by a private or governmental insurer or guarantor, including but not limited to a guaranty by the board pursuant to 17-5-1519;

(e) any contracts to construct the projects require all contractors to give preference to the employment of bona fide Montana residents, as defined in 18-2-401~~(4)~~, in the performance of the work on the projects if their qualifications are substantially equal to those of nonresidents; "substantially equal qualifications" means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons; and

(f) adequate provision is made in the loan agreement, lease, or other credit arrangement regarding a project or projects being financed to provide for payment of debt service on bonds of the board issued to finance such project or projects, to create and maintain reserves therefor, and to meet all costs and expenses of issuing and servicing the bonds.

(2) In order to make the findings as described in subsection (1)(a), a hearing must be conducted in the following manner:

(a) the city or county in which the project will be located shall be notified, and within 14 days must advise the board if it elects to conduct the hearing; or

(b) if no request for a local hearing is received, the board may hold the hearing at a time and place it prescribes.

(3) If the hearing required by subsection (2) is conducted by a local government, the governing body of the local government must notify the board of its determination of whether the project is in the public interest within 14 days of the completion of the public hearing.

(4) When a hearing is required either locally or at the state level, notice must be given, at least once a week for 2 weeks prior to the date set for the hearing, by publication in a newspaper of general circulation in the city or county where the hearing will be held. The notice must include the time and place of the hearing; the general nature of the project; the name of the lessee, borrower, or user of the project; and the estimated cost of the project.

(5) The requirements of subsections (1)(b) through (1)(d) do not apply to bonds that are not secured by the board's guarantee under 17-5-1519 or the capital reserve account authorized by 17-5-1515."

Section 7. Section 17-6-325, MCA, is amended to read:

"17-6-325. Preference of Montana labor. Any contract to construct a project financed pursuant to this part must require all contractors to give preference to the employment of bona fide Montana residents, as defined in 18-2-401~~(4)~~, in the performance of the work on the projects if their qualifications are substantially equal to those of nonresidents. "Substantially equal qualifications" means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons."

Section 8. Section 90-5-114, MCA, is amended to read:

"90-5-114. Preference of Montana labor. Any contract to construct a project financed pursuant to this part must require all contractors to give preference to the employment of bona fide Montana residents, as defined in 18-2-401~~(4)~~, in the performance of the work on the projects if their qualifications are substantially equal to those of nonresidents. "Substantially equal qualifications" means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons.""

Renumber: subsequent sections

14. Page 5.
Following: line 6
Insert: "NEW SECTION. Section 10. Coordination instruction. If Senate Bill No. 103 and this act are both passed and approved, section 1 (1)(c) of Senate Bill No. 103 is amended so that the language referring to "the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions applicable to the county or locality in which the work is being performed" will read "the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions applicable to the public works project."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 3/27/87
SR 3, do pass. Report adopted.

TAXATION (McCallum, Chairman) 3/27/87
HB 457, be concurred in. Report adopted.
HB 658, be concurred in. Report adopted.
HB 791, be concurred in. Report adopted.
HB 794, be concurred in. Report adopted.
HB 795, be concurred in. Report adopted.

Adverse Committee Reports

FINANCE AND CLAIMS (Regan, Chairman) 3/26/87
HB 573, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Eck, Farrell, Gage, Haffey, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Lybeck, Lynch, Manning, McCallum, McLane, Regan, Severson, Stimatz,

Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 32

Noes: Jergeson, Kolstad.
Total 2

Excused: Beck, Bishop, Blaylock, Brown, Crippen, Galt, Halligan, Mazurek, Neuman, Pinsoneault, Smith, Yellowtail.
Total 12

Absent or not voting: Hager, Meyer, Rasmussen, Weeding.
Total 4

NATURAL RESOURCES (Keating, Chairman) 3/25/87

HB 629, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Boylan, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, Meyer, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 29

Noes: Bengtson, Eck, Haffey, Jacobson, Jergeson, Regan.
Total 6

Excused: Beck, Bishop, Blaylock, Brown, Crippen, Galt, Halligan, Mazurek, Neuman, Pinsoneault, Smith, Yellowtail.
Total 12

Absent or not voting: McLane, Rasmussen, Weeding.
Total 3

HB 746, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Farrell, Gage, Haffey, Hager, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 35

Noes: Eck, Harding.
Total 2

Excused: Beck, Bishop, Blaylock, Brown, Crippen, Galt, Halligan, Mazurek, Neuman, Pinsoneault, Smith, Yellowtail.
Total 12

Absent or not voting: Weeding.
Total 1

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill No. 206
Report No. 1, March 24, 1987

Mr. President:

We, your Conference Committee on Senate amendments to House Bill No. 206, met and considered:

Senate amendments to House Bill No. 206

We recommend as follows:

That House Bill No. 206, reference copy, be amended as follows:

1. Title, line 8.
Strike: "$1"

2. Page 3, line 5.
Strike: "$1"

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Boylan, Chairman	McCormick, Chairman
Stimatz	Swysgood
	Brandewie

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 7, introduced by Thoft.

HB 496, introduced by Bradley.

HB 575, introduced by Kadas.

HB 581, introduced by McCormick.

HB 656, introduced by Grady.

HB 726, introduced by Spaeth.

HB 814, introduced by Donaldson.

HB 816, introduced by Asay.

HB 848, introduced by Stang.

HB 864, introduced by Manuel.

HB 866, introduced by Switzer.

HB 868, introduced by Swysgood.

HJR 41, introduced by Harp.

HJR 42, introduced by Vincent.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess until 3:00 p.m. Motion carried.

Senate recessed at 1:18 p.m.

Senate reconvened at 3:05 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/27/87

Signed by the President at 11:45 a.m., 3/27/87:

HB 4	HB 28	HB 66	HB 141
HB 261	HB 263	HB 386	HB 430
HB 483	HB 487	HB 493	HB 532
HB 533	HB 645	HB 769	HJR 18

HJR 21

Report adopted.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 7, introduced by Thoft (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Finance and Claims.

HB 868, introduced by Swysgood. Referred to Committee on Finance and Claims.

HJR 42, introduced by Vincent. Referred to Committee on Business and Industry.

At the request of Senator Crippen, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Smith moved that HB 530 be taken from the Committee on Fish and Game, printed, and placed on second reading. Motion carried.

Senator Beck moved that HB 478, as amended, be taken from the Committee on Judiciary, printed, and placed on second reading. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Blaylock, Mazurek, Van Valkenburg, Yellowtail.
Total 4

Excused: None.
Total 0

Absent or not voting: Jacobson, Jergeson.
Total 2

Senator Van Valkenburg moved that HB 519 be placed at the top of the board on second reading this day. Motion carried.

Senator Van Valkenburg moved that the Senate temporarily suspend the rules in order to allow all bills that pass second reading on the 70th legislative day to be placed on third reading on the same day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 356, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 357, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Bishop, Boylan, Hager, Hirsch, Hofman, McLane, Story, Van Valkenburg.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 252 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 30

Noes: Bengtson, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.

Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 796 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Beck, Blaylock, Brown, Hager, Himsl, Lybeck, Mazurek, Stimatz, Story, Van Valkenburg.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 519 - Senator Farrell moved that HB 519 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, ~~Blaylock~~, Crippen, Farrell, Gage, Galt, Hager, Hammond, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Williams, Mr. President.
Total ~~29~~ 28

Noes: Bengtson, Blaylock, Boylan, Brown, Eck, Haffey, Halligan, Harding, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman, Pinsoneault, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total ~~21~~ 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 416 - Senator Rasmussen moved that HB 416 be concurred in. Motion failed as follows:

Ayes: Beck, Blaylock, Eck, Haffey, Jacobson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 18

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Severson, Smith, Story, Thayer, Tveit, Yellowtail.
Total 30

Excused: None.
Total 0

Absent or not voting: Brown, Williams.
Total 2

Senator Aklestad moved that HB 416 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, McCallum, Meyer, Severson, Smith, Story, Thayer, Tveit, Weeding.
Total 27

Noes: Bishop, Blaylock, Eck, Haffey, Halligan, Jacobson, Lybeck, Lynch, Manning, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Hager, Mazurek.
Total 2

HB 426 - Senator Beck moved that HB 426 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 431 - Senator Severson moved that HB 431 be concurred in. Motion failed as follows:

Ayes: Abrams, Anderson, Boylan, Farrell, Galt, Hammond, Himsl, Keating, Kolstad, Lybeck, Mazurek, Severson, Smith, Thayer, Tveit, Weeding, Williams.

Total 17

Noes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 32

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

Senator Van Valkenburg moved that HB 431 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 33

Noes: Abrams, Anderson, Boylan, Farrell, Hammond, Himsl, Keating, Kolstad, Lybeck, Mazurek, Pinsoneault, Severson, Smith, Stimatz, Thayer, Tveit, Williams.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 455 - Senator Eck moved that HB 455 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 462 - Senator McLane moved that HB 462 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Galt in the Chair.

HB 488 - Senator Meyer moved that HB 488 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 614 - Senator Jacobson moved that HB 614 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 626 - Senator Boylan moved that HB 626 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 647 - Senator Meyer moved that HB 647 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 705 - Senator Meyer moved that HB 705 be concurred in. Motion failed as follows:

Ayes: Abrams, Brown, Crippen, Hager, Halligan, Hirsch, Jacobson, Keating, Kolstad, Lynch, Meyer, Neuman, Pinsoneault, Regan, Severson, Story, Thayer, Tveit, Williams, Yellowtail.
Total 20

Noes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Eck, Farrell, Gage, Galt, Haffey, Hammond, Harding, Himsl, Hofman, Lybeck, Manning, Mazurek, McLane, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Bishop, Boylan, Jergeson, McCallum, Rasmussen, Smith.
Total 6

Senator Mazurek moved that HB 705 be moved to the bottom of the board. Motion carried.

HB 708 - Senator Kolstad moved that HB 708 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Haffey, Hammond, Harding, Hirsch, Jacobson, Kolstad,

Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Beck, Brown, Galt, Himsl, Hofman, Keating, Severson, Story, Tveit.
Total 10

Excused: None.
Total 0

Absent or not voting: Boylan, Hager, Halligan, Jergeson, McCallum, Neuman, Williams.
Total 7

HB 733 - Senator Lynch moved that HB 733 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 818 - Senator Pinsoneault moved that HB 818 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 32 - Senator Walker moved that HJR 32 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 39 - Senator Farrell moved that HJR 39 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 39 - Senator Neuman moved, without objection, that consideration on HB 39 be passed.

HB 73 - Senator Tveit moved that HB 73 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 283 - Senator Mazurek moved, without objection, that HB 283 be placed below HB 470.

HB 284 - Senator Mazurek moved, without objection, that HB 284 be placed below HB 283.

HB 300 - Senator Haffey moved that HB 300 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Boylan, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Story, Van Valkenburg, Vaughn, Williams, Yellowtail, Mr. President.
Total 32

Noes: Aklestad, Bengtson, Blaylock, Brown, Gage, Hammond, Harding, Jacobson, Lynch, McCallum, Neuman, Regan, Smith, Stimatz, Thayer, Tveit, Walker.
Total 17

Excused: None.
Total 0

Absent or not voting: Weeding.
Total 1

HB 353 - Senator Brown moved that HB 353 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/27/87

HB 817 - Committee adopted the following statement of intent:

Statement of Intent
HB 817

A statement of intent is required for this bill in order to provide a guideline for regulation of independent liability funds. In sections 5 and 17 of this bill, the legislature grants to the commissioner of insurance general rulemaking authority to do the following:

(1) supply forms for the registration of small business independent liability funds;

(2) ascertain the inviolability of each independent liability fund;
(3) ascertain the financial health of each independent liability fund;
(4) initiate sanctions against independent liability funds that are not secure or viable; and
(5) to make any other rules and regulations required to carry out the purposes of the Independent Liability Fund Act.

Report adopted.

FISH AND GAME (Smith, Chairman) 3/27/87

HB 152, third reading copy, be amended as follows:

1. Page 2, lines 1 and 2.
Following: "request"
Strike: remainder of line 1 through "approved" on line 2
Insert: ". The director may disapprove a request only if he finds it to be inconsistent with this section. If the director disapproves a request, he shall return it, with an explanation detailing the reasons for the disapproval, to the appropriate county treasurer for correction. If the director approves a request, he"

2. Page 2, lines 12 and 13.
Following: "~~fund~~"
Strike: remainder of lines 12 and 13
Insert: "acquired and managed for the purposes of Title 23, chapter 1."

And, as amended, be concurred in. Report adopted.

HB 211, third reading copy, be amended as follows:

1. Page 2.
Following: line 2
Insert: "(4) Nothing in this section prohibits a landowner or lessee from taking reasonable measures to prevent imminent danger to domestic livestock and equipment."

And, as amended, be concurred in. Report adopted.

HB 322, third reading copy, be amended as follows:

1. Page 4, line 18.
Insert: "(5) As used in 23-2-523(2), the term "under the influence" shall have the meaning provided in 61-8-401(3)."

2. Page 4.
Following: line 24
Insert: "NEW SECTION. Section 4. Coordination instruction. If House Bill No. 163, including the section defining the phrase "under the influence" is not passed and approved, section 2(5) of this act is void."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 329, third reading copy, be amended as follows:

1. Page 1, line 18.
Strike: "SIX-POINT OR LARGER BULL"

2. Page 1, line 20.
Strike: "FOUR-POINT OR LARGER BUCK"
Following: "~~antelope,~~"
Insert: "antelope,"

3. Page 1, line 21.
Following: "~~sturgeons~~"
Insert: "pallid and white"

4. Page 2, line 2.
Strike: "AND" and "TURKEY"

And, as amended, be concurred in. Report adopted.

HB 406, third reading copy, be amended as follows:

1. Title, line 14.
Following: "ACT"
Insert: "AND A TERMINATION DATE"

2. Page 2, lines 21 through 23.
Following: "OUTFITTERS"
Strike: remainder of line 21 through "IS" on line 23
Insert: "who are"

3. Page 13, line 24.
Insert: "NEW SECTION. Section 14. Termination date. This act terminates June 30, 1991."

And, as amended, be concurred in. Report adopted.

HB 465, be concurred in. Report adopted.

HB 535, third reading copy, be amended as follows:

1. Title, lines 7 through 9.
Following: "~~OF~~"
Strike: remainder of lines 7 through 9
Insert: "REVISING THE NUMBER OF NONRESIDENT COMBINATION HUNTING AND FISHING LICENSES AUTHORIZED FOR SALE;"

2. Title, line 12.
Strike: "6,000"
Insert: "3,000"

3. Title.
Following: line 12
Strike: lines 13 through 15 in their entirety
Insert: "PROVIDING FOR ISSUANCE OF LICENSES TO APPLICANTS BY A RANDOM DRAWING; AND"

4. Title, lines 16 and 17.
Following: "MCA"
Strike: remainder of line 16 through "DATE" on line 17

5. Page 2, lines 8 through 10.
Strike: subsection (2) in its entirety
Insert: "(2) The commission shall establish the number of Class B-11 licenses that may be sold each year. The number may not exceed 3,000 in any license year."

6. Page 2, line 11 through line 4, page 4.
Strike: section 2 in its entirety
Insert: "NEW SECTION. Section 2. Issuance of Class B-10 and Class B-11 licenses. (1) Application for Class B-10 and Class B-11 licenses may be made to the department commencing on the first Tuesday of January of the year for which the licenses are issued. Except as provided in subsection (4), such licenses must be issued by

a random drawing among all applicants to be held on the first Tuesday of the following February.

(2) The department shall provide for party drawings for applicants so requesting, with not more than four applicants drawn together.

(3) The names and addresses of successful license applicants must be made available to the public within 1 week after the drawing.

(4) If the number of authorized licenses exceeds the number of applications received by the date of the drawing, the remaining licenses must be sold thereafter by the department in the order that applications are received."

7. Page 5, lines 8 and 9.
Strike: section 6 in its entirety

And, as amended, be concurred in. Report adopted.

HB 730, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 3/27/87

HB 146, be concurred in. Report adopted.

HB 286, third reading copy, be amended as follows:

1. Page 1, line 21.
Following: "goes"
Insert: "underground or"

2. Page 3, line 16.
Following: "GOES"
Insert: "underground or"

And, as amended, be concurred in. Report adopted.

HB 400, third reading copy, be amended as follows:

1. Title, line 9.
Strike: "PROVIDING THAT"
Insert: "REPEALING THE ADMINISTRATIVE RULE THAT PROHIBITED"

2. Title, lines 11 and 12.
Strike: "MAY" on line 11 through "REFUSE" on line 12
Insert: "FROM REFUSING"

3. Title, line 14.
Strike: "AMENDING SECTION 49-2-305, MCA"
Insert: "REPEALING RULE 24.9.1107, ADMINISTRATIVE RULES OF MONTANA"

4. Page 1, line 16.
Insert: "WHEREAS, the Legislature finds that Rule 24.9.1107, Administrative Rules of Montana, directly conflicts with the public policy expressed by the Legislature."

5. Page 2, line 19 through page 4, line 8.
Strike: section 1 in its entirety
Insert: "Section 1. Repealer. Rule 24.9.1107, Administrative Rules of Montana, is repealed."

And, as amended, be concurred in. Report adopted.

HB 577, be concurred in. Report adopted.

HB 590, be concurred in. Report adopted.

HB 598, be concurred in. Report adopted.

HB 670, third reading copy, be amended as follows:

1. Page 2, line 23.
Following: "officer."
Insert: "The class I railroad corporation employing a special peace officer shall hold the state, its subdivisions, and the officers and employees thereof harmless and indemnify them from any claim or liability, including costs and attorney fees, arising out of any action of a special peace officer or the certification of the special peace officer by the state."

And, as amended, be concurred in. Report adopted.

HB 740, third reading copy, be amended as follows:

1. Page 3, line 13.
Strike: "13%"
Insert: "12.5%"

2. Page 3, line 17.
Strike: "1%"
Insert: "0.6%"

3. Page 3, line 18.
Strike: "and"

4. Page 3, line 19.
Strike: "17%"
Insert: "16.9%"

5. Page 3, line 20.
Following: "fund"
Strike: "."
Insert: "; and

(g) 1% to the department of social and rehabilitation services special revenue account for the battered spouses and domestic violence grant program."

6. Page 49.
Following: line 7
Insert: "NEW SECTION. Section 66. Coordination instruction. (1) If House Bill No. 679, including the section of that bill amending 46-18-235, is not passed and approve, subsection (4)(g) of 3-10-601, as amended by this bill, is void and subsection (4) of 3-10-601 shall read as follows:

"(4) The state treasurer shall distribute money received under subsection (3) as follows:

(a) 23% to the state general fund;

(b) 10% to the fish and game account in the state special revenue fund;

(c) 13% to the state highway account in the state special revenue fund;

(d) 36% to the traffic education account in the state special revenue fund;

(e) 1% to the department of livestock account in the state special revenue fund; and

(f) 17% to the crime victims compensation account in the state special revenue fund."

(2) If House Bill No. 28, including the section of that bill amending 61-10-148, is passed and approved, the amendment to 61-10-148 in this bill shall read: "This subsection does not apply to fines and forfeited bonds paid to justices' courts.""

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 748, third reading copy, be amended as follows:

1. Title, line 5.
Following: "CORPORATION"
Insert: "OR ASSOCIATION"

2. Title, line 7.
Following: "CORPORATION"
Insert: ", ASSOCIATION,"
Strike: "ITS"

3. Title, line 8.
Following: "SHAREHOLDERS"
Insert: "OF THE CORPORATION OR MEMBERS OF THE ASSOCIATION"

4. Title, line 9.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "35-1-202,"
Insert: "35-2-202, 35-15-201, 35-16-202, 35-17-202, 35-18-203, AND 35-20-103,"

5. Page 4.
Following: line 7
Insert: "Section 2. Section 35-2-202, MCA, is amended to read:

"35-2-202. Articles of incorporation — control over bylaws. (1) The articles of incorporation shall set forth:

(a) the name of the corporation;

(b) the period of duration, which may be perpetual;

(c) the purpose or purposes for which the corporation is organized;

(d) any provisions, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision for distribution of assets on dissolution or final liquidation;

(e) the address, including street and number, if any, of its initial registered office and the name of its initial registered agent at such address;

(f) the number of directors constituting the initial board of directors and the names and addresses of the persons who are to serve as the initial directors;

(g) the name and address of each incorporator.

(2) In addition to provisions required in subsection (1), the articles of incorporation may also contain provisions not inconsistent with law regarding liability as set forth in 35-1-202(2)(e).

~~(2)~~(3) It shall not be necessary to set forth in the articles of incorporation any of the corporate powers enumerated in this chapter.

~~(3)~~(4) Unless the articles of incorporation provide that a change in the number of directors shall be made only by amendment to the articles of incorporation, a change in the number of directors made by amendment to the bylaws shall be controlling. In all other cases, whenever a provision of the articles of incorporation is inconsistent with a bylaw, the provision of the articles of incorporation shall be controlling."

Section 3. Section 35-15-201, MCA, is amended to read:

"35-15-201. Incorporation. (1) Whenever any number of persons, not less than three or more than seven, may desire to become incorporated as a cooperative association for the purpose of trade or of prosecuting any branch of industry or the purchase and distribution of commodities for consumption or in the borrowing or lending of money among members for industrial purposes, they shall make a statement to that effect under their hands setting forth:

(a) the name of the proposed corporation;

(b) its capital stock;

(c) its location;

(d) the duration of the association; and

(e) the particular branch or branches of industry which they intend to prosecute.

(2) In addition to provisions required in subsection (1), the statement of incorporation may also contain provisions not inconsistent with law regarding liability as set forth in 35-1-202(2)(e).

~~(2)~~(3) The statement shall be filed in the office of the secretary of state as the articles of incorporation of the association. The secretary of state shall thereupon issue to such persons a license as commissioners to open books for subscription to the capital stock of such corporation, at such time and place as they may determine, for which he shall receive the fee of $20."

Section 4. Section 35-16-202, MCA, is amended to read:

"35-16-202. Petition for incorporation — contents and filing — bond. (1) Such persons must prepare, sign, acknowledge, and file a petition with the clerk of the district court of the county in which the lands or the greater portion of the lands included in the petition are situate, such petition to state:

(a) the name of the corporation or district proposed to be formed;

(b) the purpose for which it is formed;

(c) the place where its principal business is to be transacted;

(d) the number of its directors or trustees, which shall not be less than three, and the names and residences of those who are selected for the first 3 months and until their successors are elected and qualified. Such directors or trustees shall at all times be resident freeholders in the state of Montana.

(e) the names and addresses of the petitioners applying for such incorporation or district, with a description of the lands which each owns and proposed to be submitted to said corporation or district and the character of the same and their production, also a consent of the owners to submit the lands to the provisions hereof;

(f) the assessed valuation of the land;

(g) the term for which it is to exist, not exceeding 40 years;

(h) if shares, acres, production, or other evidences of membership are to be used, the basis for issuing the same in either value, acreage, or production.

(2) In addition to provisions required in subsection (1), the petition for incorporation may also contain provisions not inconsistent with law regarding liability as set forth in 35-1-202(2)(e).

~~(2)~~(3) Such petition shall be accompanied by a map giving location of the lands sought to be included in such corporation or district, nothing herein to be construed as requiring such lands to be contiguous.

~~(3)~~(4) A bond in the sum of $1,000 to be approved by the clerk, conditioned for the payment of all costs incurred in the creation of such corporation or district, shall be filed with the petition."

Section 5. Section 35-17-202, MCA, is amended to read:

"35-17-202. Articles of incorporation — contents — filing — articles or copies as prima facie evidence. (1) Each association formed under this chapter must prepare and file articles of incorporation setting forth:

(a) the name of the association;

(b) the purposes for which it is formed;

(c) the place where its principal business will be transacted;

(d) the term for which it is to exist, which may be perpetual;

(e) the number of its directors or trustees, which shall not be less than 5 or more than 13, and the names and residences of those who are appointed for the first 3 months and until their successors are elected and qualified;

(f) if organized without capital stock, whether the property rights and interest of each member shall be equal or unequal, and if unequal, the articles shall set forth the general rule or rules applicable to all members by which the property rights and interests, respectively, of each member may and shall be determined and fixed. The association shall have the power to admit new members who shall be entitled to share in the property of the association with the old members, in accordance with such general rule or rules.

(2) In addition to provisions required in subsection (1), the articles of incorporation may also contain provisions not inconsistent with law regarding liability as set forth in 35-1-202(2)(e).

~~(2)~~(3) The articles must be subscribed by the incorporators and shall be filed in accordance with the provisions of the general corporation law of this state, and when so filed the articles of incorporation or certified copies thereof shall be received in all the courts

of this state and other places as prima facie evidence of the facts contained therein and of the due incorporation of such association."

Section 6. Section 35-18-203, MCA, is amended to read:

"35-18-203. Articles of incorporation. (1) The articles of incorporation of a cooperative shall recite in the caption that they are executed pursuant to this chapter, shall be signed by each of the incorporators, and shall state:

(a) the name of the cooperative;

(b) the address of its principal office;

(c) the names and addresses of the incorporators;

(d) the names and addresses of the persons who shall constitute its first board of trustees; and

(e) any provisions not inconsistent with this chapter deemed necessary or advisable for the conduct of its business and affairs.

(2) In addition to provisions required in subsection (1), the articles of incorporation may also contain provisions not inconsistent with law regarding liability as set forth in 35-1-202(2)(e).

~~(2)~~(3) Such articles of incorporation shall be submitted to the secretary of state for filing as provided in this chapter.

~~(3)~~(4) It shall not be necessary to set forth in the articles of incorporation of a cooperative the purpose for which it is organized or any of the corporate powers vested in a cooperative under this chapter."

Section 7. Section 35-20-103, MCA, is amended to read:

"35-20-103. Document of incorporation — contents — filing. (1) The chairman and secretary of such meeting shall within 5 days after the holding of the same make a written certificate, which shall state:

(a) the names of the associates who attended such meeting;

(b) the corporate name of the association determined upon by a majority of the persons who met;

(c) the number of persons fixed upon to manage the concerns of the association;

(d) the names of the trustees chosen at the meeting and their classification;

(e) the day of the year fixed upon for the annual election of trustees and the manner of their election.

(2) In addition to provisions required in subsection (1), the document of incorporation may also contain provisions not inconsistent with law regarding liability as set forth in 35-1-202(2)(e).

~~(2)~~(3) Such certificate shall be signed by the chairman and secretary and acknowledged by them before some person authorized to take acknowledgments within the state of Montana. They shall cause such certificate so acknowledged to be recorded in the office of the county clerk and recorder of the county in which said meeting was held, and a certified copy of such certificate so recorded shall be filed

with the secretary of state of the state of Montana, who shall thereupon issue his certificate therefor without charge.""
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 3/27/87

HB 102, third reading copy, be amended as follows:

1. Title, lines 9 and 10.
Following: "OF" on line 9
Strike: "PASSENGER CARS AND TRUCKS UNDER 42,001 POUNDS GVW"
Insert: "ALL MOTOR VEHICLES SUBJECT TO REGISTRATION"

2. Page 2, lines 15 and 16.
Following: "each" on line 15
Strike: "passenger car and truck under 42,001 pounds GVW"
Insert: "motor vehicles subject to registration"

3. Page 2.
Following: line 17
Insert: "(2) For purposes of this section, "motor vehicle" includes:

(a) "motor vehicle" as defined in 61-1-102;

(b) "motorcycle" as defined in 61-1-105;

(c) "motor-driven cycle" as defined in 61-1-106; and

(d) "quadricycle" as defined in 61-1-133."
Renumber: subsequent subsection

4. Page 4, line 2.
Following: "has"
Strike: "significantly"

5. Page 4, line 4.
Following: "~~source~~"
Insert: "with a levy in an amount not less than 1.6 mills or an equivalent amount from another source"

And, as amended, be concurred in. Report adopted.

HB 387, third reading copy, be amended as follows:

1. Page 1, lines 12 and 13.
Following: "contents" on line 12
Strike: "— public hearing"

2. Page 1, lines 19 and 20.
Following: "measures" on line 19
Strike: "as provided in subsection (8)"

And, as amended, be concurred in. Report adopted.

HB 409, third reading copy, be amended as follows:

1. Page 5.
Following: line 18
Insert: "NEW SECTION. Section 4. Coordination instruction. If HB 842, SB 307, or any other bill repealing 15-30-121 is enacted, this act is void."

And, as amended, be concurred in. Report adopted.

HB 583, third reading copy, be amended as follows:

1. Title, lines 11 and 12.
Following: "DATE" on line 11
Strike: "AND A TERMINATION DATE"

2. Page 1, lines 17 and 18.
Following: "~~date~~" on line 17
Strike: "— TERMINATION DATE"

3. Page 1, lines 19 and 20.
Following: "~~1987.~~" on line 19
Strike: "THIS ACT TERMINATES JULY 1, 1989."

4. Page 5, lines 16 through 18.
Following: "69-1-223(2)(a)" on line 16
Strike: remainder of line 16 through "resale" on line 18

5. Page 6, line 10.
Following: "resale"
Insert: ", as calculated by the public service commission,"

6. Page 7, lines 11 through 13.
Following: "date" on line 11
Strike: "— TERMINATION DATE"
Following: "approval." on line 12
Strike: "THIS ACT TERMINATES JULY 1, 1989."

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Blaylock moved that his vote on HB 519 be changed from yes to no. Motion carried.

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 123. Motion carried.

The President appointed the following members:

Senator Blaylock, Chairman
Senator Halligan
Senator Beck

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 277. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Beck
Senator Pinsoneault

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 837. Motion carried.

The President appointed the following members:

Senator Thayer, Chairman
Senator Beck

Senator Jergeson

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., March 28, 1987.

Motion carried.

Senate adjourned at 6:39 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 28, 1987

Senate Chambers
State Capitol

Senate convened at 9:04 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-eighth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/27/87
Correctly printed and placed on the members' desks:
SJR 14
Correctly enrolled: 3/28/87
SB 118 SB 136 SB 176
Delivered to the Governor at 11:09 a.m., 3/24/87:
SB 73 SB 130 SB 174 SB 185
SB 249 SB 267 SB 299

Report adopted.

JUDICIARY (Mazurek, Chairman) 3/26/87
HB 567, third reading copy, be amended as follows:

1. Title, lines 5 through 17.
Following: "PROVIDING"
Strike: remainder of line 5 through "MCA" on line 17
Insert: "FOR THE REDUCTION OF JURY AWARDS BY THE TRIAL COURT FOR AMOUNTS PAID OR PAYABLE FROM COLLATERAL SOURCES"

2. Page 3, line 13 through page 5, line 9.
Strike: sections 2 and 3 in their entirety
Insert: "Section 2. Collateral source reductions in actions arising from bodily injury or death — subrogation rights. (1) In an action arising from bodily injury or death when the total award against all defendants is in excess of $100,000 and the plaintiff will be fully compensated for his damages, a plaintiff's recovery must be reduced by any amount paid or payable from a collateral source that does not have a subrogation right.

(2) Before an insurance policy payment is used to reduce an award under subsection (1), the amount the plaintiff paid and is obligated to pay to keep the policy in force must be deducted from the amount of the insurance policy payment.

(3) The jury shall determine its award without consideration of any collateral sources. After the jury determines its award, reduction of the award must be made by the trial judge at a hearing and upon a separate submission of evidence relevant to the existence and amount of collateral sources. Evidence is admissible at the hearing to show that the plaintiff has been or may be reimbursed from a collateral source that does not have a subrogation right. If the trial

judge finds that, at the time of hearing, it is not reasonably determinable whether or in what amount a benefit from such a collateral source will be payable, he shall:

(a) order any person against whom an award was rendered and who claims a deduction under this section to make a deposit into court of the disputed amount, at interest; and

(b) reduce the award by the amount deposited. The amount deposited and any interest thereon are subject to the further order of the court, pursuant to the requirements of this section.

(4) Except for subrogation rights specifically granted by state or federal law, there is no right to subrogation for any amount paid or payable to a plaintiff from a collateral source if an award is reduced by that amount under subsection (1)."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

Adverse Committee Reports

FINANCE AND CLAIMS (Regan, Chairman) 3/26/87

HB 357, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "SUBSTANTIAL COMPLIANCE"
Insert: "ACCORDANCE"

2. Page 1, line 14.
Strike: "MUST"
Insert: "may"

3. Page 1, lines 14 and 15.
Strike: "IN SUBSTANTIAL COMPLIANCE"
Insert: "only in accordance"

4. Page 1, lines 16 through 18.
Strike: "SUBSTANTIAL COMPLIANCE MEANS THAT NO CATEGORY IN THE APPROVED OPERATING BUDGET MAY BE EXCEEDED BY 5%."

5. Page 1, lines 22 through 24.
Strike: "LEGISLATIVE" on line 22 through "ACT." on line 24

6. Page 2, lines 1 and 2.
Strike: "THE CATEGORIES OR"

7. Page 2, line 8.
Strike: "OPERATING BUDGET"
Insert: "operational plan"

8. Page 2, lines 11 through 16.
Strike: subsection (3) in its entirety

And, as amended, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer,

Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Jergeson.
Total 1

Excused: None.
Total 0

Absent or not voting: Vaughn.
Total 1

HB 724, third reading copy, be amended as follows:

1. Title, lines 7 through 9.
Following: "RATE;" on line 7
Strike: remainder of lines 7 through 9

2. Title, line 10.
Following: "PROVIDING"
Insert: "AN IMMEDIATE"

3. Title, line 11.
Strike: "DATES"
Insert: "DATE"

4. Page 2, line 16 through page 6, line 1.
Strike: sections 3 and 4 in their entirety
Renumber: subsequent sections

5. Page 9, line 15.
Strike: "dates"
Insert: "date"

6. Page 9, line 16.
Strike: "(a)" through "are"
Insert: "This act is"

7. Page 9.
Strike: line 18

And, as amended, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Bengtson, Haffey, Jacobson, Kolstad, Lybeck, Lynch, Manning, Smith, Walker.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

TAXATION (McCallum, Chairman) 3/27/87

HB 634, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

March 27, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 6, 73, 130, 174, 185, 206, 214, 231, 232, 249, 267, 282, and 299 on this date.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill not concurred in and returned to the Senate:

SB 365, introduced by Mazurek.

MOTIONS

Senator Meyer moved that HB 705 be taken from second reading this day and placed on second reading on the 72nd legislative day, 4/1/87. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 283 - Senator Mazurek moved that HB 283 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 284 - Senator Halligan moved that HB 284 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 356 - Senator Blaylock moved that HB 356 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 367 - Senator Keating moved that HB 367 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 393 - Senator Bishop moved that HB 393 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Boylan, Hammond, Hirsch, Kolstad, McCallum, Severson, Smith, Story.
Total 9

Excused: None.
Total 0

Absent or not voting: Jergeson, Lybeck, Rasmussen, Tveit, Weeding, Williams.
Total 6

HB 470 - Senator Van Valkenburg moved that HB 470 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 495 - Senator Brown moved that HB 495 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 504 - Senator Halligan moved that HB 504, third reading copy, be amended as follows:

1. Senate Judiciary Standing Committee Report, dated 3/23/87, amendment #2, subsection (3)(b).
Following: "based on"
Strike: "subsection"
Insert: "subsections (3)(a)(i) or"

2. Senate Judiciary Standing Committee Report, dated 3/23/87, amendment #3, subsection (6)(b).
Following: "based on"
Strike: "subsection"
Insert: "subsections (6)(i) or"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hofman moved that HB 504, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 509 - Senator Pinsoneault moved that HB 509 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 534 - Senator Crippen moved that HB 534 be concurred in. Senator Walker made a substitute motion that HB 534, third reading copy, be amended as follows:

1. Page 3, line 16.
Following: "SOURCES"
Strike: "WITHIN THE AREA OF STUDY"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Blaylock moved that HB 534, third reading copy, be further amended as follows:

1. Title, line 22.
Strike: "AND"

2. Title, line 23.
Following: "DATE"
Insert: "; AND PROVIDING A TERMINATION DATE"

3. Page 3, line 25.
Following: "date"
Insert: "— termination date"
Following: "date."
Insert: "(1)"

4. Page 4, line 1.
Following: "approval."
Insert: "(2) This act terminates July 1, 1989."

Amendment failed as follows:

Ayes: Abrams, Blaylock, Eck, Halligan, Jergeson, Lybeck, Lynch, Manning, Mazurek, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 16

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Williams.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that HB 534, third reading copy, be further amended as follows:

1. Title, lines 14 through 16.
Strike: "DIRECTING" on line 14 through "THROUGH" on line 16
Insert: "PROVIDING FOR A LOCAL OPTION FOR THE"

2. Title, lines 18 and 19.
Strike: "CURRENTLY" on line 18 through "EXCEEDING" on line 19
Insert: "THAT DURING 1985 EXCEEDED"

3. Page 2, line 1 through line 5, page 3.
Strike: section 1 in its entirety
Insert: "NEW SECTION. Section 1. Local option for ambient sulfur dioxide standards. (1) In any county where during 1985 the ambient sulfur dioxide concentrations exceeded the state annual average and 24-hour average standards then in effect, the county governing body may adopt, through the procedures of 7-5-103 through 7-5-107, an ordinance providing for the adoption of the federal annual average and 24-hour average standards for ambient sulfur dioxide concentrations. The governing body may repeal the ordinance at any time by the same procedures.

(2) The board shall adopt rules consistent with an ordinance adopted by a county governing body pursuant to subsection (1), and the board and department shall enforce the ordinance under the provisions of this chapter."

4. Page 3, line 18.
Strike: "SECTION 2 IS"
Insert: "Sections 1 and 2 are"

5. Page 3, line 20.
Strike: "SECTION 2"
Insert: "sections 1 and 2"

Amendment failed as follows:

Ayes: Blaylock, Eck, Halligan, Jergeson, Lybeck, Manning, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 13

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Williams.
Total 37

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Crippen moved that HB 534, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Williams.
Total 36

Noes: Blaylock, Eck, Halligan, Jergeson, Lybeck, Manning, Mazurek, Rasmussen, Regan, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Haffey in the Chair.

HB 570 - Senator Lynch moved that HB 570 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 619 - Senator Smith moved that HB 619 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 623 - Senator Crippen moved, without objection, that HB 623 be placed below HB 642.

Senator Lynch in the Chair.

HB 750 - Senator Eck moved that HB 750 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 789 - Senator Hager moved that HB 789 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 6 - Senator Keating moved that HJR 6 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 24 - Senator Severson moved that HJR 24 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 37

Noes: Aklestad, Bengtson, Blaylock, Eck, Halligan, Hammond, Meyer, Neuman, Regan, Thayer, Yellowtail.
Total 11

Excused: None.
Total 0

Absent or not voting: Haffey, Williams.
Total 2

HJR 26 - Senator Regan moved that HJR 26 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 14 - Senator Gage moved that SJR 14 be taken from second reading this day and placed on second reading on the 72nd legislative day, 4/1/87. Motion carried.

HB 29 - Senator Vaughn moved that HB 29 be taken from second reading this day and placed on second reading on the 72nd legislative day, 4/1/87. Motion carried.

HB 167 - Senator Mazurek moved, without objection, that HB 167 be placed below HB 428.

HB 200 - Senator McLane moved that HB 200 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee of the House to confer on Senate amendments to HB 163. Motion carried.

The President appointed the following members:

Senator Brown, Chairman
Senator Farrell
Senator Yellowtail

ANNOUNCEMENTS

Announcements were made.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess until 1:00 p.m. Motion carried.

Senate recessed at 12:02 p.m.

Senate reconvened at 1:10 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/28/87
Correctly printed and placed on the members' desks:
SR 3
Examined by the sponsors and found to be correct:

SB 118	Halligan
SB 136	Mazurek
SB 176	Eck

Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 3/28/87
HB 506, third reading copy, be amended as follows:

1. Page 1, line 12.
Following: "removal"
Insert: "one-fourth mile from lakes and 100 yards from stream beds"

And, as amended, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 3/28/87
HB 47, be concurred in. Report adopted.
HB 222, be concurred in. Report adopted.
HB 700, be concurred in. Report adopted.

MOTIONS

Senator Walker moved, without objection, that HB 718 be placed above HB 777.

Senator Walker moved, without objection, that HB 760 be placed below HB 777.

Senator Pinsoneault moved that consideration on HB 639 be passed. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 325 - Senator Mazurek moved that HB 325 be concurred in. Motion carried as follows:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Keating, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Thayer, Van Valkenburg, Walker, Williams, Mr. President.
Total 30

Noes: Abrams, Aklestad, Beck, Boylan, Gage, Galt, Hirsch, Hofman, Jergeson, Kolstad, McCallum, McLane, Regan, Smith, Stimatz, Story, Tveit, Vaughn, Weeding, Yellowtail.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 428 - Senator Haffey moved that HB 428 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 167 - Senator Mazurek moved that HB 167, third reading copy, be amended as follows:

1. Page 1, lines 15 through 17.
Following: "distress," on line 15
Strike: "mental anguish" through "worry," on line 17

2. Page 1, line 20.
Following: "~~contact~~."
Insert: "Emotional or mental distress, as used in this section, includes mental anguish or suffering, sorrow, grief, fright, shame, embarrassment, humiliation, anger, chagrin, disappointment, or worry."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that HB 167, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 437 - Senator Weeding moved that HB 437 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 453 - Senator Harding moved that HB 453 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 480 - Senator Himsl moved that HB 480 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 571 - Senator Jacobson moved that HB 571 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Haffey in the Chair.

HB 642 - Senator Keating moved that HB 642 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 623 - Senator Lynch moved that HB 623 be concurred in. Senator Crippen made a substitute motion that HB 623, third reading copy, be amended as follows:

1. Title, lines 7 through 11.

Strike: "GENERALLY" on line 7 through "LEGISLATURE" on line 11
Insert: "PROHIBITING LIQUOR STORES FROM BEING LOCATED IN CERTAIN GROCERY STORES OR DRUG STORES"

2. Page 2, lines 3 through 11.
Strike: subsection (c) in its entirety

3. Page 2, line 16 through line 1, page 3.
Strike: subsection (3)(a) in its entirety

4. Page 3, line 2.
Strike: "(B)"
Insert: "(3)"
Strike: "OR ADJACENT"

5. Page 3, line 3.
Strike: "TO"
Following: "STORES"
Insert: "or drug stores"

6. Page 3, lines 7 and 8.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

Amendment failed as follows:

Ayes: Brown, Crippen, Galt, Hager, Hirsch, Keating, Mazurek, McCallum, Neuman, Story.
Total 10

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

Senator Lynch moved that HB 623 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Brown, Crippen, Hager, Hirsch, Mazurek, McCallum, Neuman, Regan, Story.
Total 9

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

HB 648 - Senator Williams moved that consideration on HB 648 be passed. Motion carried.

HB 674 - Senator Hager moved that HB 674 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 690 - Senator Himsl moved that HB 690 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch in the Chair.

HB 697 - Senator Lybeck moved that HB 697 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 720 - Senator Mazurek moved that HB 720 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 725 - Senator Pinsoneault moved that HB 725 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 718 - Senator Walker moved that HB 718 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 777 - Senator Walker moved that HB 777 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 760 - Senator Walker moved that HB 760 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Beck, Boylan, Galt, Hammond, Harding, Himsl, McCallum, Smith, Story, Thayer.
Total 11

Excused: None.
Total 0

Absent or not voting: Hirsch, Meyer, Severson, Tveit.
Total 4

HB 819 - Senator Hammond moved that HB 819 be concurred in. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 29

Noes: Abrams, Bengtson, Blaylock, Haffey, Halligan, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: Weeding, Mr. President.

Total 2

HB 825 - Senator Hager moved that HB 825 be taken from second reading this day and placed on second reading on the 71st legislative day, 3/31/87. Motion carried.

HB 839 - Senator Blaylock moved that HB 839 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 34 - Senator Eck moved that HJR 34 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 40 - Senator Brown moved that HJR 40 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Mazurek, Chairman) 3/28/87

HB 610, third reading copy, be amended as follows:

1. Title, lines 4 through 7.
Following: ""AN ACT"
Strike: lines 4 through 7 in their entirety
Insert: "REQUIRING THE DEPARTMENT OF INSTITUTIONS AND PROBATION AND PAROLE OFFICERS TO STUDY AND RECOMMEND TO THE LEGISLATURE IF IT IS APPROPRIATE AND NECESSARY FOR A PROBATION OR PAROLE OFFICER TO CARRY A FIREARM; AND PROVIDING A TERMINATION DATE."

2. Pages 1 through 3.
Strike: everything following the enacting clause
Insert: "Section 1. Study of carrying of firearms by probation and parole officers and training in their use — recommendations to legislature. (1) The department of institutions, together with state probation and parole officers, shall determine, based upon an evaluation of the job-related duties and situations, if it is appropriate and necessary for a probation or parole officer to carry a firearm.

(2) If the results of the study show that carrying of firearms by probation or parole officers is appropriate and necessary, the department shall recommend legislation to implement such findings, including:

(a) authorization for carrying of firearms by probation and parole officers;

(b) proper training requirements necessary for authorization; and

(c) administrative rules required to implement the legislation.

(3) The results of the study and any recommended legislation must be submitted to the 51st legislature by December 1, 1988.

Section 2. Termination date. This act terminates December 1, 1988."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

SB 53, introduced by Smith.

House bills passed and transmitted to the Senate for concurrence:

HB 20, introduced by Hanson.

HB 373, introduced by Darko.

HB 460, introduced by Keenan.

HB 538, introduced by Winslow.

HB 702, introduced by Vincent.

HB 744, introduced by Ramirez.

HB 849, introduced by Quilici.

HB 878, introduced by Addy.

HB 886, introduced by Winslow.

HJR 44, introduced by Pavlovich.

HJR 45, introduced by Winslow.

Senate bill not concurred in and returned to the Senate:

SB 127, introduced by Hammond.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess until 4:10 p.m. Motion carried.

Senate recessed at 3:58 p.m.

Senate reconvened at 4:13 p.m.

Senator Haffey moved that HB 637 be taken from third reading and returned to second reading this day for the purpose of amendment. Motion failed as follows:

Ayes: Blaylock, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 18

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Williams, Mr. President.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 161 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Halligan, Hammond, Harding,

Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 37

Noes: Blaylock, Farrell, Hager, Jergeson, Mazurek, McCallum, Meyer, Neuman, Regan, Thayer, Tveit, Vaughn, Weeding.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 166 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 170 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 171 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 316 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 340 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bengtson, Harding, Severson.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 364 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Harding, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Williams.
Total 37

Noes: Beck, Haffey, Halligan, Hammond, Himsl, Hofman, Lybeck, Manning, Smith, Tveit, Walker, Yellowtail, Mr. President.
Total 13

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 365 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Boylan, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Jergeson, Kolstad, Lybeck, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Thayer, Tveit, Van Valkenburg, Williams, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Bengtson, Blaylock, Brown, Crippen, Eck, Gage, Hirsch, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, Regan, Severson, Stimatz, Story, Vaughn, Walker, Weeding.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 637 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 33

Noes: Blaylock, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/28/87
Signed by the President at 10:00 a.m., 3/28/87:
SB 118 SB 136 SB 176
Delivered to the Governor at 3:12 p.m., 3/28/87:
SB 118 SB 136 SB 176

Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Haffey in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 39 - Senator Lynch moved that HB 39, third reading copy, be amended as follows:

1. Page 2, line 16.
Strike: "director"
Insert: "president"

2. Page 27, line 7.
Strike: "director"
Insert: "president"

3. Page 28, line 14.
Strike: "director"
Insert: "president"

4. Page 35, line 18.
Strike: "director"
Insert: "president"

5. Page 36, line 17.
Strike: "director"
Insert: "president"

Amendment failed as follows:

Ayes: Anderson, Gage, Haffey, Hofman, Jacobson, Kolstad, Lybeck, Lynch, Manning, Pinsoneault, Rasmussen, Smith, Stimatz, Vaughn, Walker.
Total 15

Noes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jergeson, Keating, Mazurek, McCallum, McLane, Meyer, Neuman, Regan, Severson, Thayer, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

Senator McCallum moved that HB 39 be concurred in. Senator Neuman made a substitute motion that HB 39, third reading copy, be amended as follows:

1. Page 32.
Following: line 1
Insert: "(c) The board of county commissioners of each county shall levy a tax in each calendar year of 1 ¼ mills on the dollar of all taxable property, real and personal, within the county to raise the amount appropriated by the legislature for the support and maintenance of the vocational-technical center system. The tax is to be effective for the taxable year beginning on or after January 1, 1988."
Renumber: subsequent subsection

2. Senate Education and Cultural Resources Standing Committee Report, dated 3/23/87.
Strike: amendments #1 and #8 in their entirety

Amendment failed as follows:

Ayes: Brown, Eck, Farrell, Haffey, Hager, Halligan, Jacobson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Walker, Yellowtail.
Total 18

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McCallum moved that HB 39 be concurred in. Motion carried as follows:

Ayes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Hammond, Harding, Himsl, Jergeson, Keating, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Thayer, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 27

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Gage, Galt, Haffey, Hirsch, Hofman, Jacobson, Kolstad, Lynch, Manning, Pinsoneault, Severson, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 146 - Senator Hager moved that HB 146 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 152 - Senator Severson moved that HB 152 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 179 - Senator Meyer moved, without objection, that HB 179 be placed below HB 211.

Senator Lynch in the Chair.

HB 207 - Senator Pinsoneault moved that HB 207 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 211 - Senator Jergeson moved that HB 211 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 179 - Senator Meyer moved that HB 179, third reading copy, be amended as follows:

1. Business and Industry Standing Committee Report, dated 3/26/87.
Strike: the amendments in their entirety

2. Title, line 6.
Following: "BY"
Insert: "CERTAIN"

3. Page 1, line 12.
Following: "company"
Insert: ", except a company incorporated under the laws of this state that has its principal place of business in this state,"

Amendment failed as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Crippen, Eck, Farrell, Galt, Hager, Hammond, Harding, Keating, Meyer, Pinsoneault, Rasmussen, Regan, Story, Thayer, Williams.
Total 20

Noes: Aklestad, Bengtson, Boylan, Brown, Gage, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Hofman, Severson, Smith, Weeding.
Total 4

Senator Walker moved that HB 179 be concurred in. Motion failed as follows:

Ayes: Abrams, Boylan, Brown, Galt, Haffey, Halligan, Himsl, Hirsch, Jergeson, Kolstad, Lybeck, Manning, McLane, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 23

Noes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Hager, Harding, Hofman, Keating, Lynch, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Story, Thayer.
Total 24

Excused: None.
Total 0

Absent or not voting: Beck, Hammond, Jacobson.
Total 3

Senator Aklestad moved that HB 179 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Hofman, Keating, Lynch, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Story, Thayer, Williams, Mr. President.
Total 27

Noes: Abrams, Boylan, Brown, Galt, Haffey, Hammond, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McLane,

Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 219 - Senator Beck moved that HB 219, third reading copy, be amended as follows:

1. Title, line 5.
Strike: "NONPROFIT"

2. Senate Judiciary Standing Committee Report, dated 3/26/87, amendment #1, be further amended to read:
"O-MOK-SEE, JACKPOT ROPING, AND HORSE SHOW EVENTS; TO LIMIT CIVIL LIABILITY OF NONPROFIT ORGANIZATIONS AND EMPLOYEES FOR TRAIL RIDING AND HORSE PACKING"

3. Title, line 7.
Strike: "AND JACKPOT ROPING"

4. Page 1, line 12.
Strike: "nonprofit"

5. Page 1, line 14.
Strike: "nonprofit"

6. Senate Judiciary Standing Committee Report, dated 3/26/87, amendment #3, be further amended to read:
"o-mok-see, jackpot roping, or horse show event, or nonprofit organizations sponsoring a trail riding or horse packing"

7. Page 1, line 16.
Strike: "OR JACKPOT ROPING"

Amendment failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Farrell, Galt, Hammond, Harding, Hirsch, Kolstad, McCallum, Meyer, Neuman, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Weeding.
Total 23

Noes: Bishop, Blaylock, Brown, Eck, Gage, Haffey, Hager, Halligan, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Beck moved that HB 219 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 241 - Senator Pinsoneault moved, without objection, that HB 241 be placed below HB 465.

HB 259 - Senator Rasmussen moved that HB 259 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 286 - Senator Lybeck moved that HB 286 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 302 - Senator Thayer moved that HB 302 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Galt, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Weeding, Williams.
Total 33

Noes: Anderson, Brown, Gage, Hammond, Jacobson, Jergeson, Lybeck, Lynch, Manning, Stimatz, Vaughn, Walker, Yellowtail, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: Halligan, McCallum, Smith.
Total 3

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., March 30, 1987.

Motion carried.

Senate adjourned at 6:30 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SEVENTIETH LEGISLATIVE DAY

Helena, Montana
March 30, 1987

Senate Chambers
State Capitol

Senate convened at 9:04 a.m., President Norman presiding. Invocation by the President, Bill Norman. Pledge of Allegiance to the Flag.

Roll call. All members present except McLane, Neuman, Tveit, Walker, Yellowtail, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-ninth legislative day, find the same to be correct.

Galt, Chairman

Senator Severson excused at this time.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 3/28/87

Recommend that at the end of business March 28, 1987, employment of the following be terminated:

Julie Lopach ..... Page
Chris Zarndt ..... Page
Kahn LaCounte ..... Page
Kris Smelser ..... Page
Paula Boylan ..... Page
Erin Rasmussen ..... Page
Andrea McClenahan ..... Page
Heather Yost ..... Page

Report adopted.

Recommend that at the beginning of business March 30, 1987, the following be employed:

Christine Jacobsen ..... Page
Pat Baumgardner ..... Page
Jon Bengochea ..... Page
Robin Spaulding ..... Page
Mark Goldhahn ..... Page
Jeff Manson ..... Page
Nancy Coffman ..... Page
Staci Neuman ..... Page
Kristin Mattocks ..... Page

Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 66, introduced by Gage.

SB 88, introduced by Van Valkenburg.

SB 92, introduced by Stimatz.

SB 145, introduced by Jacobson.

SB 146, introduced by Jacobson.

SB 147, introduced by Jacobson.

SB 164, introduced by Gage.

SB 223, introduced by Eck.

SB 252, introduced by Regan.

House bills passed and transmitted to the Senate for concurrence:

HB 880, introduced by Winslow.

HB 881, introduced by Bradley.

HB 888, introduced by Winslow.

Senate bills concurred in, as amended, and returned to the Senate for concurrence in House amendments:

SB 49, introduced by Thayer.

SB 102, introduced by Story.

SB 181, introduced by Van Valkenburg.

SB 213, introduced by Mazurek.

SB 320, introduced by B. Brown.

SB 369, introduced by Tveit.

Senate bills not concurred in and returned to the Senate:

SB 173, introduced by B. Brown.

SB 318, introduced by Jacobson.

SB 372, introduced by Pinsoneault.

MOTIONS

Senator Hager moved that the Governor's amendments to SB 103 be taken from second reading and rereferred to the Committee on Rules. Motion carried.

Senator Pinsoneault moved, without objection, that HB 241 be placed below HB 721 on second reading.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Yellowtail present at this time.

HB 309 - Senator Bishop moved that HB 309 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.

Total 45

Noes: None.
Total 0

Excused: McLane, Neuman, Severson, Tveit, Walker.
Total 5

Absent or not voting: None.
Total 0

HB 322 - Senator Yellowtail moved that HB 322 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: None.
Total 0

Excused: McLane, Neuman, Severson, Tveit, Walker.
Total 5

Absent or not voting: None.
Total 0

HB 327 - Senator Van Valkenburg moved that HB 327 be concurred in. Motion failed as follows:

Ayes: Abrams, Bishop, Blaylock, Boylan, Eck, Galt, Haffey, Hager, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Pinsoneault, Stimatz, Van Valkenburg, Vaughn, Williams, Yellowtail, Mr. President.
Total 22

Noes: Aklestad, Anderson, Beck, Bengtson, Brown, Crippen, Farrell, Gage, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, Meyer, Rasmussen, Smith, Story, Thayer, Weeding.
Total 22

Excused: McLane, Neuman, Severson, Tveit, Walker.
Total 5

Absent or not voting: Regan.
Total 1

Senator Severson present at this time.

HB 381 - Senator Manning moved that HB 381 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Boylan, Crippen, Farrell, Gage, Haffey, Hager, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Vaughn, Weeding.
Total 29

Noes: Beck, Bishop, Blaylock, Eck, Galt, Hammond, Himsl, Hirsch, McCallum, Meyer, Thayer, Van Valkenburg, Williams, Yellowtail.

Total 14

Excused: McLane, Neuman, Tveit, Walker.
Total 4

Absent or not voting: Aklestad, Brown, Mr. President.
Total 3

HB 385 - Senator Beck moved that HB 385 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: McLane, Neuman, Tveit, Walker.
Total 4

Absent or not voting: None.
Total 0

HB 387 - Senator Eck moved that HB 387 be concurred in. Motion carried as follows:

Ayes: Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Galt, Halligan, Harding, Jacobson, Jergeson, Lybeck, Lynch, Manning, Meyer, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Thayer, Vaughn, Williams, Yellowtail, Mr. President.
Total 25

Noes: Anderson, Gage, Hammond, Himsl, Hirsch, Hofman, Keating, Kolstad, Smith.
Total 9

Excused: McLane, Neuman, Tveit, Walker.
Total 4

Absent or not voting: Abrams, Aklestad, Beck, Bishop, Farrell, Haffey, Hager, Mazurek, McCallum, Regan, Van Valkenburg, Weeding.
Total 12

Senators Walker and McLane present at this time.

HB 400 - Senator Pinsoneault moved that HB 400 be placed below HB 592. Motion carried.

Senator Tveit present at this time.

HB 406 - Senator Jacobson moved that HB 406 be concurred in. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Boylan, Brown, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Thayer, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Noes: Abrams, Aklestad, Bishop, Blaylock, Crippen, Gage, Hager, Jergeson, Kolstad, Regan, Smith, Tveit.
Total 12

Excused: Neuman.
Total 1

Absent or not voting: Lybeck, McCallum, Van Valkenburg, Vaughn.
Total 4

Senator Neuman present at this time.

HB 442 - Senator Brown moved that HB 442, third reading copy, be amended as follow:

1. Senate Judiciary Standing Committee Report, dated 3/26/87.
Strike: amendments #5, #6, #7, and #10 in their entirety

Amendment failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Gage, Hager, Harding, Himsl, Hirsch, Hofman, McCallum, Rasmussen, Severson, Smith, Story, Tveit, Weeding.
Total 19

Noes: Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Halligan moved that HB 442 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Kolstad in the Chair.

HB 459 - Senator Harding moved that HB 459, third reading copy, be amended. Senator Kolstad moved, without objection, that HB 459 be placed at the bottom of the board.

HB 465 - Senator Severson moved, without objection, that HB 465 be placed at the bottom of the board.

HB 466 - Senator Lynch moved that HB 466, third reading copy, be amended as follows:

1. Title, lines 5 through 7.
Strike: "SCHOOL" on line 5 through "PROGRAMS," on line 7

2. Page 6, line 10.
Following: "~~system,~~"
Insert: "a school district, a postsecondary vocational-technical center or program,"

Amendment failed as follows:

Ayes: Abrams, Aklestad, Beck, Blaylock, Galt, Haffey, Halligan, Hammond, Hirsch, Hofman, Jacobson, Jergeson, Lynch, McLane, Meyer, Stimatz, Story, Thayer, Vaughn, Walker, Weeding, Williams.
Total 22

Noes: Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Harding, Himsl, Keating, Manning, Mazurek, McCallum, Neuman, Rasmussen, Regan, Severson, Tveit, Van Valkenburg, Yellowtail, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Kolstad, Lybeck, Pinsoneault, Smith.
Total 4

Senator Williams moved that HB 466 be concurred in. Motion failed as follows:

Ayes: Abrams, Boylan, Farrell, Jacobson, Kolstad, Lynch, Manning, Neuman, Severson, Stimatz, Thayer, Vaughn, Walker, Williams.
Total 14

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Story, Tveit, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 35

Excused: None.
Total 0

Absent or not voting: Lybeck.
Total 1

Senator Aklestad moved that HB 466 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 35

Noes: Abrams, Boylan, Farrell, Haffey, Jacobson, Kolstad, Lybeck, Lynch, Manning, Pinsoneault, Severson, Stimatz, Walker, Williams.

Total 14

Excused: None.
Total 0

Absent or not voting: Bengtson.
Total 1

HB 478 - Senator Beck moved that HB 478 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 482 - Senator Hammond moved, without objection, that HB 482 be placed at the bottom of the board.

HB 491 - Senator Pinsoneault moved that HB 491 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 501 - Senator Halligan moved that HB 501 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 503 - Senator Brown moved that HB 503 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 530 - Senator Yellowtail moved that HB 530, third reading copy, be amended as follows:

1. Page 3, line 1.
Following: "project"
Insert: ", except that the department may not permit the sale of progeny of peregrine falcons other than to an agency of the state or federal government for release to the wild as part of a peregrine recovery program."

Amendment failed as follows:

Ayes: Blaylock, Haffey, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 17

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn.
Total 32

Excused: None.
Total 0

Absent or not voting: Halligan.
Total 1

Senator Bishop moved that HB 530, third reading copy, be amended as follows:

1. Page 2, line 6.
Following: "sale"

Strike: "Montana"

2. Page 3.
Following: line 1
Insert: "NEW SECTION. Section 3. Report. The department shall report to the 51st legislature the results of the program regulating the sale of the progeny of raptors, including but not limited to the numbers of birds sold, a description of the enforcement efforts undertaken, and the cost of the program to the department."
Renumber: subsequent section

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Smith moved that HB 530, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 554 - Senator Pinsoneault moved that HB 554 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 564 - Senator Blaylock moved that HB 564 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 577 - Senator Halligan moved that HB 577 be concurred in. Senator Halligan made a substitute motion that HB 577 be placed at the bottom of the board. Substitute motion carried.

HB 586 - Senator Van Valkenburg moved, without objection, that HB 586 be placed at the bottom of the board.

HB 590 - Senator Walker moved that HB 590 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 592 - Senator Brown moved that HB 592 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 400 - Senator Yellowtail moved that HB 400, third reading copy, be amended as follows:

1. Senate Judiciary Standing Committee Report, dated 3/27/87, amendment #4.
Following: "by the legislature"
Insert: "because the rule fails to incorporate the application of reasonable grounds exceptions as provided for in the statute"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Pinsoneault moved that HB 400, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 598 - Senator Crippen moved that HB 598 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 611 - Senator Jergeson moved that HB 611 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 622 - Senator Weeding moved that HB 622 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 641 - Senator Jacobson moved that HB 641 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 661 - Senator Beck moved that HB 661 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Keating in the Chair.

HB 670 - Senator Kolstad moved that HB 670 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Kolstad in the Chair.

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess until 12:16 p.m. Motion carried.

Senate recessed at 12:01 p.m.

Senate reconvened at 12:26 p.m.

Senator Hirsch moved that HB 535 be taken from second reading this day and placed on second reading on the 71st legislative day, 3/31/87. Motion carried.

Senator McCallum moved that HB 794 be placed on second reading this day. Senator McCallum withdrew the motion.

Senator Van Valkenburg moved that HB 327 be placed on second reading this day below HB 102. Motion carried.

Senator Walker moved that the Senate reconsider its action to indefinitely postpone HB 179 and place it on second reading this day. Motion carried as follows:

Ayes: Abrams, Bishop, Boylan, Brown, Farrell, Galt, Haffey, Hager, Harding, Himsl, Hirsch, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McLane, Regan, Smith, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Crippen, Eck, Gage, Halligan, Hammond, Hofman, Jacobson, Keating, Lynch, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Story, Thayer, Williams.
Total 23

Excused: None.
Total 0

Absent or not voting: Stimatz.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 721 - Senator Van Valkenburg moved that HB 721, third reading copy, be amended as follows:

1. Senate State Administration Standing Committee Report, dated 3/26/87, amendment #4.

Following: "may not exceed" in inserted material
Strike: "60"
Insert: "75"

Amendment failed as follows:

Ayes: Beck, Bengtson, Boylan, Brown, Eck, Halligan, Himsl, Jergeson, Lybeck, Mazurek, McCallum, Neuman, Story, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 18

Noes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Crippen, Gage, Galt, Haffey, Hager, Hammond, Harding, Hirsch, Hofman, Jacobson, Lynch, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Williams.
Total 27

Excused: None.
Total 0

Absent or not voting: Farrell, Keating, Kolstad, Smith, Tveit.
Total 5

Senator Lynch moved that HB 721 be concurred in. Senator Story made a substitute motion that HB 721, third reading copy, be amended.

Senator Story made a substitute motion that HB 721 be placed below HB 772. Substitute motion carried.

HB 241 - Senator Pinsoneault moved that HB 241, third reading copy, be amended as follows:

1. Page 4.
Following: line 19
Insert: "(4) The limits on damages in subsection (1) do not apply to a discharged employee who, at the time of the discharge, has worked for the employer for 10 years or more and who is 40 years of age or older."

2. Page 5.
Following: line 17
Insert: "(3) If the employer maintains written internal procedures under which an employee may appeal a discharge within the organizational structure of the employer, the employer shall within 7 days of the date of the discharge notify the discharged employee of the existence of such procedures and shall supply the discharged employee with a copy of them. If the employer fails to comply with this subsection, the discharged employee need not comply with subsection (2)."

3. Page 7, lines 19 through 22.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

4. Page 8.
Following: line 11
Insert: "(5) A discharged employee who makes a valid offer to arbitrate that is accepted by the employer and who prevails in such arbitration is entitled to have the arbitrator's fee and all costs of arbitration paid by the employer."
Renumber: subsequent subsection

Amendments #2, #3, and #4 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Amendment #1 passed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Meyer, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Noes: Aklestad, Anderson, Beck, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Kolstad, McCallum, McLane, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Pinsoneault moved that HB 241, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 730 - Senator Jergeson moved that HB 730 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 737 - Senator Beck moved that HB 737 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 740 - Senator Neuman moved that HB 740 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 741 - Senator Hager moved that HB 741 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Mazurek.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 748 - Senator Thayer moved that HB 748 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Kolstad in the Chair.

HB 772 - Senator Aklestad moved that HB 772, third reading copy, be amended as follows:

1. Page 2, line 9.
Strike: "$25,000"
Insert: "$500,000"

Amendment failed as follows:

Ayes: Aklestad, Anderson, Beck, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 22

Noes: Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Haffey, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Abrams.
Total 1

Senator Aklestad moved that HB 772, third reading copy, be amended as follows:

1. Page 2, line 9.
Strike: "$25,000"
Insert: "$250,000"

Amendment failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 25

Noes: Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Brown moved that HB 772 be concurred in. Motion carried as follows:

Ayes: Bengtson, Bishop, Blaylock, Brown, Haffey, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 24

Excused: None.
Total 0

Absent or not voting: Hirsch.
Total 1

HB 721 - Senator Story moved that HB 721, third reading copy, be amended as follows:

1. Page 2, line 3.
Following: "appropriations"
Strike: ", except" on line 3 through "legislature" on line 6

2. Page 2, line 8.
Strike: ", except" on line 8 through "legislature" on line 11
Following: ":"
Insert: "The legislature may adopt rules permitting consideration of legislation limitations of that session unrelated to the subject."

3. Senate State Administration Standing Committee Report, dated 3/26/87.
Strip: amendments #5 and #6 in their entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Story moved that HB 721, third reading copy, be further amended as follows:

1. Senate State Administration Standing Committee Report, dated 3/26/87.
Strip: amendment #7 in its entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Kolstad, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Story, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Anderson, Blaylock, Brown, Hirsch, Hofman, Lynch, Manning, Severson, Stimatz, Thayer, Vaughn.
Total 11

Excused: None.
Total 0

Absent or not voting: Lybeck, McCallum.
Total 2

Senator Lynch moved that HB 721, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Himsl, Hirsch, Kolstad, McCallum, McLane, Meyer, Neuman, Severson, Smith, Story, Tveit, Williams.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 806 - Senator Meyer moved that HB 806 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 37 - Senator Hager moved that HJR 37 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 43 - Senator Hager moved that consideration on HJR 43 be passed. Motion carried.

HB 6 - Senator Van Valkenburg moved, without objection, that HB 6 be taken from second reading this day and placed on second reading on the 72nd legislative day, 4/1/87.

HB 47 - Senator Mazurek moved that HB 47 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 102 - Senator Story moved that HB 102 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 327 - Senator Van Valkenburg moved that HB 327 be concurred in. Motion failed as follows:

Ayes: Abrams, Bishop, Boylan, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Manning, McLane, Meyer, Neuman, Pinsoneault, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 25

Noes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Farrell, Gage, Galt, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, Mazurek, McCallum, Rasmussen, Regan, Smith, Story, Thayer, Weeding, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that HB 327 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Brown, Eck, Farrell, Gage, Galt, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit.
Total 25

Noes: Abrams, Bishop, Blaylock, Boylan, Crippen, Haffey, Hager, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report.

HB 740 - Senator Neuman made a substitute motion that HB 740 be segregated from the Committee of the Whole Report. Motion carried.

Chairman Kolstad moved the adoption of the committee report, as amended. Report adopted.

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess until 4:00 p.m. Motion carried.

Senate recessed at 3:46 p.m.

Senate reconvened at 4:10 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 3/30/87
Signed by the President at 9:30 a.m., 3/30/87:

HB 193	HB 198	HB 231	HB 358
HB 402	HB 449	HB 467	HB 537
HB 576	HB 651	HB 729	HB 820
HJR 28			

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable William J. Norman March 30, 1987
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 149, "AN ACT REDUCING THE NUMBER OF YEARS THAT A MEMBER OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM MUST SERVE BEFORE BECOMING ELIGIBLE FOR SERVICE

RETIREMENT BENEFITS REGARDLESS OF HIS AGE; INCREASING EMPLOYEE CONTRIBUTIONS TO FUND THIS CHANGE; AMENDING SECTIONS 19-3-701, 19-3-901, 19-3-902, and 19-3-906, MCA; AND PROVIDING AN EFFECTIVE DATE."

Senate Bill No. 149 provides that Public Employees' Retirement System (PERS) members with 25 years of service can retire with regular retirement benefits, regardless of age, and with actuarially reduced early retirement benefits after 20 years of service regardless of age. Current law provides for regular retirement at age 60 and early retirement at age 50, both with 5 years of service. The major effect of this bill is to create a new eligibility for 'retirement' benefits for persons prior to age 50. Since few people actually retire between the ages of 38 and 50 on 23% to 38% of their salary, especially since they would have no eligibility for Social Security benefits for 12 to 29 years, this legislation endorses and encourages "double dipping" as state policy!

Senate Bill No. 149 is unacceptable public policy. With demographic trends pointing to increasing life expectancies and longer productive working lives for our employees, we are going in the wrong direction when we dramatically decrease the service requirements for early and regular retirement benefits, regardless of age. No other state public employees' retirement system in this country contains provisions whereby a person could actually draw 23% of salary for 40 or more years after only working 20 years!

The fact that this bill provides funding for a benefit enhancement for a select few (an estimated 65 members each year), to be paid for by an additional 1% of salaries contributed by each of the 26,767 local, university, and state government employees who are members of this retirement system, points up severe inequities in this proposal. Many groups will pay for this proposal every payday for the rest of their public careers without benefiting by this legislation — the largest of these groups being the 47% of PERS members who begin working for government at age 35 or later. That group can be expected to pay more than $40 million in increased contributions to PERS over the next 15 years with no increase at all in their prospective retirement benefits under this bill.

The costs of implementing this bill will be borne not only by the 26,767 PERS employees who will suffer a $4.3 million annual pay-cut effective July 1 (in addition to a Social Security contribution rate increase scheduled to go into effect on January 1, 1988). Because salaries are multiplied in their effect on local economies, local retailers may lose between $8.6 and $12.9 million in sales over that same time period as a direct result of this bill.

It must also be pointed out that the inequities between costs and benefits caused by this bill may very well be determined to be unconstitutional. Past court decisions have held that employees cannot be required to pay for benefits which they will not have a prospect of receiving. Certain groups will never have the opportunity of receiving a benefit enhancement under this bill. In fact, the average PERS retiree has only 18 years of service at age 63 and will never benefit from the increased contributions he or she must pay. Ironically, about half of the cost of this bill is to pay for the increase in the system's unfunded liabilities. Historically, employers have paid that cost.

Finally, the Montana Constitution and other laws also prohibit discrimination based upon sex. The effect of this bill, in combination with the historic and current status of women in the Montana public sector work force,

further calls the validity of this measure into question since women would represent only 19% of those eligible for the benefit enhancements, but 57% of those paying the costs.

As president of the Public Employees' Retirement Board, on which I served for seven years, I would have opposed this bill because it was poor public policy, seriously inequitable and too costly. As Governor, I take my responsibilities to public employees and the public no less seriously. I therefore veto Senate Bill No. 149.

Sincerely,

Ted Schwinden
Governor

MOTIONS

Senator Thayer moved that the Senate reconsider its previous action on HB 241 and place on second reading. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Smith, Story, Thayer, Tveit.
Total 24

Noes: Abrams, Bishop, Blaylock, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Bengtson.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 329 - Senator Yellowtail moved that HB 329 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 457 - Senator Lynch moved that HB 457 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 506 - Senator Stimatz moved that HB 506 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Blaylock, Lybeck, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 567 - Senator Mazurek moved that HB 567 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Halligan excused at this time.

HB 610 - Senator Pinsoneault moved that HB 610 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 29

Noes: Beck, Blaylock, Boylan, Hammond, Harding, Himsl, Hirsch, Keating, Manning, Neuman, Regan, Severson, Stimatz, Story, Yellowtail.
Total 15

Excused: Halligan.
Total 1

Absent or not voting: Bengtson, Hager, Rasmussen, Smith, Weeding.
Total 5

HB 639 - Senator Pinsoneault moved that HB 639 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Blaylock, Boylan, Brown, Crippen, Eck, Galt, Haffey, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, McLane, Neuman, Pinsoneault, Severson, Stimatz, Tveit, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Bengtson, Bishop, Farrell, Gage, Hammond, Harding, Mazurek, McCallum, Meyer, Regan, Story, Thayer, Van Valkenburg.
Total 14

Excused: Halligan.
Total 1

Absent or not voting: Beck, Hager, Keating, Kolstad, Rasmussen, Smith, Weeding.
Total 7

HB 648 - Senator Williams moved that HB 648, third reading copy, be amended as follows:

1. Senate Business and Industry Standing Committee Report, dated 3/23/87.
Strike: amendments #1 and #2 in their entirety

2. Page 1, line 12.
Strike: "Definitions"
Insert: "Definition"

3. Page 1, lines 12 and 13.
Strike: "the following definitions apply:"

4. Page 1, line 14.
Strike: "(1)"

5. Page 1, lines 15 and 16.
Strike: "on the contestants of a sports event"

6. Page 1, line 17.

Strike: "the"
Insert: "an"
Following: "event"
Insert: ", except that persons may not bid or wager money on any elementary school or high school sports event"

7. Page 1, lines 18 through 22.
Strike: subsection (2) in its entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

Senator Williams moved that HB 648, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Crippen, Gage, Galt, Haffey, Hammond, Hirsch, Jacobson, Jergeson, Keating, Lynch, McLane, Meyer, Neuman, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Walker, Williams, Mr. President.
Total 26

Noes: Aklestad, Bishop, Blaylock, Brown, Eck, Farrell, Harding, Himsl, Hofman, Lybeck, Mazurek, McCallum, Pinsoneault, Rasmussen, Regan, Vaughn, Yellowtail.
Total 17

Excused: Halligan.
Total 1

Absent or not voting: Boylan, Hager, Kolstad, Manning, Thayer, Weeding.
Total 6

HB 795 - Senator Hirsch moved that HB 795 be concurred in. Senator Regan made a substitute motion that consideration on HB 795 be passed. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Halligan.
Total 1

Absent or not voting: None.
Total 0

Senator Brown in the Chair.

Senator Halligan present at this time.

HB 459 - Senator Harding moved that HB 459, third reading copy, be amended as follows:

1. Title.
Following: line 16
Insert: "ALLOWING A PRESIDENTIAL PREFERENCE PRIMARY TO BE HELD BY MAIL;"

2. Title, line 18.
Following: "13-10-403,"
Insert: "13-19-104,"

3. Page 6.
Following: line 6
Insert: "Section 8. Section 13-19-104, MCA, is amended to read:

"13-19-104. Mail ballot elections not mandatory — when authorized — when prohibited. (1) Conducting elections by mail ballot is only one option available to local officials and nothing in this chapter mandates that the procedure be used.

(2) The following elections may be conducted by mail ballot:

(a) an election in a political subdivision required to hold annual elections under 13-1-104(3), other than a school district;

(b) an election in a city of the third class, as defined in 7-1-4111(3), if all of the candidates whose names will appear on the ballot are candidates for offices to be elected without party designation;

(c) an election in a town as defined in 7-1-4111(4);

(d) an election conducted under 7-13-2236 in an unincorporated area; ~~and~~

(e) a special election called by a local government unit for the sole purpose of submitting one or more ballot issues to its qualified electors if such special election is not held in conjunction with a statutorily scheduled election; and

(f) presidential preference primaries.

(3) The following elections may not be conducted by mail ballot:

(a) an election held for one of the purposes or at the time provided in 13-1-104(1) and 13-1-107(1);

(b) an election held for one of the purposes or at the time provided in 13-1-104(2) and 13-1-107(2), except as specifically allowed by subsections (2)(b) and (2)(c) of this section;

(c) an election for any purpose conducted by or on behalf of a school district;

(d) an election being held under the provisions of the Montana Recall Act, in Title 2, chapter 16, part 6;

(e) an election involving candidates for public office, except as specifically allowed by subsections (2)(a) through (2)(c) of this section; and

(f) a special election being held in conjunction with a statutorily scheduled election.""

Renumber: subsequent sections

4. Page 7, line 22.
Following: "Washington"
Insert: "prior to November 15, 1987."

5. Senate State Administration Standing Committee Report, dated 3/25/87, amendment #9.
Strike: "9 and 10" in the Insert
Insert: "10 and 11"

6. Senate State Administration Standing Committee Report, dated 3/25/87, amendment #11.
Following: "6,"
Strike: "AND"
Following: "THROUGH"
Strike: "10"
Insert: "11, 13, AND 14"

7. Senate State Administration Standing Committee Report, dated 3/25/87, amendment #12.
Strike: "11"
Insert: "12"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 40

Noes: Beck, Boylan, Galt, Hirsch, Jergeson, McLane, Neuman.
Total 7

Excused: None.
Total 0

Absent or not voting: Hager, Story, Williams.
Total 3

Senator Lynch moved that HB 459, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Haffey, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Beck, Brown, Gage, Galt, Hammond, Himsl, McCallum, McLane, Meyer, Severson, Smith, Story, Tveit.

Total 14

Excused: None.
Total 0

Absent or not voting: Boylan, Hager, Neuman.
Total 3

HB 465 - Senator Severson moved that HB 465 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Farrell, Gage, Haffey, Hammond, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding.
Total 32

Noes: Blaylock, Crippen, Eck, Galt, Halligan, Harding, Mazurek, Neuman, Pinsoneault, Regan, Vaughn, Yellowtail.
Total 12

Excused: None.
Total 0

Absent or not voting: Boylan, Hager, Jergeson, McCallum, Williams, Mr. President.
Total 6

HB 482 - Senator Hammond moved that HB 482 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 577 - Senator Regan moved that HB 577, third reading copy, be amended as follows:

1. Page 2, lines 5 and 6.
Strike: "AT HIS EMPLOYER'S EXPENSE AND"

2. Page 2, lines 23 and 24.
Strike: "AT HIS EMPLOYER'S EXPENSE AND"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Manning, Mazurek, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Yellowtail.

Total 30

Noes: Beck, Bengtson, Bishop, Boylan, Galt, Haffey, Halligan, Jacobson, Lynch, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Van Valkenburg, Walker, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Hager, Lybeck.
Total 2

Senator Halligan moved that HB 577, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 586 - Senator Williams moved that consideration on HB 586 be passed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 179 - Senator Meyer moved that HB 179, third reading copy, be amended as follows:

1. Senate Business and Industry Standing Committee Report, dated 3/26/87.
Strike: the amendments in their entirety

2. Title, line 6.
Following: "BY"

Insert: "CERTAIN"

3. Page 1, line 12.
Following: "company"
Insert: ", except a company incorporated under the laws of this state that has its principal place of business in this state,"

Amendment failed as follows:

Ayes: Aklestad, Anderson, Beck, Lynch, Meyer, Story, Thayer.
Total 7

Noes: Abrams, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Excused: None.
Total 0

Absent or not voting: Blaylock, Hager.
Total 2

Senator Walker moved that HB 179 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Anderson, Lynch, Meyer, Neuman, Pinsoneault, Thayer.
Total 6

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Neuman moved that HB 740 be placed on second reading this day. Motion carried.

Senator Regan moved that HB 795 be referred to the Committee on Finance and Claims. Motion carried.

Senator Williams moved that HB 586 be referred to the Committee on Business and Industry. Motion carried.

Senator Manning moved that the Senate vote to override the Governor's veto on SB 149. Motion failed as follows:

Ayes: Anderson, Beck, Boylan, Brown, Crippen, Farrell, Gage, Haffey, Halligan, Harding, Hofman, Jacobson, Kolstad, Lynch, Manning, Mazurek, Rasmussen, Smith, Stimatz, Van Valkenburg, Vaughn, Walker.
Total 22

Noes: Abrams, Aklestad, Bengtson, Bishop, Blaylock, Eck, Galt, Hammond, Himsl, Hirsch, Jergeson, Keating, Lybeck, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Story, Thayer, Tveit, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

Senator Van Valkenburg moved that consideration on HB 327 be passed until the 75th legislative day, 4/4/87. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole, for consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 740 - Senator Neuman moved that HB 740 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 39 concurred in as follows:

Ayes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Hammond, Harding, Himsl, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Smith, Tveit, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 30

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Gage, Galt, Haffey, Hirsch, Hofman, Jacobson, Lynch, Pinsoneault, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Williams.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 73 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 146 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 152 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 167 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: Regan, Yellowtail.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 200 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 207 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 211 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Harding, Regan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 219 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 259 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Boylan, Hager, Hammond, Hofman, Smith, Story, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

HB 283 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 284 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Story, Van Valkenburg, Walker.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 286 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 49

Noes: Yellowtail.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 300 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Blaylock, Brown, Gage, Galt, Hammond, Harding, Jacobson, Lynch, McCallum, Meyer, Regan, Smith, Thayer, Vaughn, Walker.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 302 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, ~~Manning,~~ Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams.
Total ~~38~~ 37

Noes: Brown, Gage, Hammond, Jacobson, Jergeson, Lybeck, Lynch, Manning, Severson, Stimatz, Vaughn, Yellowtail, Mr. President.
Total ~~12~~ 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 325 concurred in as follows:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Keating, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Thayer, Van Valkenburg, Walker, Williams, Mr. President.
Total 30

Noes: Abrams, Aklestad, Beck, Boylan, Gage, Galt, Hirsch, Hofman, Jergeson, Kolstad, McCallum, McLane, Regan, Smith, Stimatz, Story, Tveit, Vaughn, Weeding, Yellowtail.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 353 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 356 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 367 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 393 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 426 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 428 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Beck, Boylan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 437 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Neuman.
Total 1

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 453 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Beck, Gage, Galt, Neuman, Smith, Tveit, Yellowtail.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 455 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 462 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 470 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 480 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 488 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 495 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 504 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 45

Noes: Blaylock, Hirsch, Regan, Weeding, Yellowtail.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 509 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 519 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Crippen, Farrell, Gage, Galt, Hager, Hammond, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Williams, Mr. President.
Total ~~27~~ 28

Noes: Bengtson, Blaylock, Boylan, Brown, Eck, Haffey, Halligan, Harding, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman,

Pinsoneault, Regan, ~~Severson,~~ Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total ~~23~~ 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 534 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Williams.
Total 36

Noes: Blaylock, Eck, Halligan, Jergeson, Lybeck, Manning, Mazurek, Rasmussen, Regan, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 570 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Neuman, Rasmussen.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 571 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 614 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 619 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~49~~ 50

Noes: ~~Severson~~ None.
Total ~~1~~ 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 623 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Brown, Hager, Halligan, Hirsch, Keating, Mazurek, McLane, Neuman, Story.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 626 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 642 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 647 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 674 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 690 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 697 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 708 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Beck, Brown, Galt, Hager, Hammond, Himsl, Hofman, Keating, Lynch, McCallum, Severson, Story, Tveit.

Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 718 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Boylan, Hirsch, Neuman, Smith, Tveit.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 720 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 725 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 733 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 750 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 760 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Boylan, Brown, Galt, Hager, Hammond, Himsl, Hirsch, McCallum, Meyer, Severson, Smith, Story, Thayer, Tveit.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 777 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 789 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 818 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 819 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Mr. President.

Total 40

Noes: Blaylock, Haffey, Hirsch, Lybeck, Mazurek, Pinsoneault, Regan, Van Valkenburg, Walker, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 839 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Galt, Hammond, McCallum, McLane.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 6 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 24 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Aklestad, Blaylock, Eck, Hammond, Meyer, Neuman, Regan, Thayer, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 26 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 32 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~49~~ 50

Noes: ~~Neuman~~ None.
Total ~~1~~ 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 34 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HJR 39 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 40 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 179 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Lynch, Meyer, Neuman, Story, Thayer.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 241 concurred as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 309 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 322 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 381 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Vaughn, Walker, Weeding, Mr. President.
Total 37

Noes: Aklestad, Blaylock, Eck, Galt, Hammond, Himsl, Meyer, Regan, Thayer, Tveit, Van Valkenburg, Williams, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 385 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 387 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Harding, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Gage, Hammond, Himsl, Hirsch, Hofman, Keating, Kolstad, Severson.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 400 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Brown, Eck, Regan, Vaughn.
Total 4

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 406 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad, Bishop, Hager, Hammond, Jergeson, Kolstad, Regan, Smith.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 442 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Harding, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Beck, Boylan, Gage, Galt, Hammond, Himsl, Hofman, Kolstad, McCallum, McLane, Meyer, Severson, Smith, Story, Tveit.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 465 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Farrell, Gage, Haffey, Hager, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 36

Noes: Blaylock, Brown, Crippen, Eck, Galt, Halligan, Harding, Mazurek, McCallum, Regan, Thayer, Tveit, Vaughn, Yellowtail.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 478 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Bishop, Mazurek, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 482 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 491 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 501 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 503 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 530 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Jergeson, Neuman, Regan, Yellowtail.

Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 554 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 564 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 577 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Smith.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 590 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 592 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: Jergeson, Yellowtail.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 598 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 611 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hofman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 622 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 641 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 661 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 670 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 721 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 31

Noes: Aklestad, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Himsl, Hirsch, Kolstad, McCallum, McLane, Meyer, Neuman, Smith, Story, Tveit, Williams.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 730 concurred in as follows;

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Brown, Farrell, Hammond, Kolstad, Neuman, Story, Thayer, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 737 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 740 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 741 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Jergeson, Mazurek, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 748 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 772 concurred in as follows:

Ayes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Farrell, Gage, Galt, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 806 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 37 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 47 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, ~~Crippen,~~ Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~45~~ 44

Noes: Bengtson, Crippen, Hager, Hirsch, Neuman, Story.
Total ~~5~~ 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 102 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Bengtson, Farrell, Himsl, Keating.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 329 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 48

Noes: Hirsch, Severson.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 457 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hirsch, Mazurek, Thayer.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 506 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McCallum, Meyer, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Blaylock, Hammond, Kolstad, Lybeck, McLane, Neuman, Pinsoneault, Tveit, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 567 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 610 concurred in as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Abrams, Beck, Blaylock, Boylan, Harding, Himsl, Hirsch, Keating, Regan, Stimatz, Story, Tveit, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 639 concurred in as follows:

Ayes: Abrams, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 33

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Gage, Hammond, Harding, Himsl, Hofman, Mazurek, Meyer, Story, Thayer, Tveit, Van Valkenburg, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 648 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 33

Noes: Aklestad, Bishop, Blaylock, Brown, Crippen, Eck, Hager, Harding, Himsl, Hofman, Lybeck, Mazurek, McCallum, Rasmussen, Regan, Vaughn, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of Senator Lynch, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Lynch moved that the Senate reconsider its action in passing HB 39 on third reading. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Brown, Gage, Galt, Haffey, Halligan, Hirsch, Hofman, Jacobson, Lynch, Manning, Meyer, Neuman, Pinsoneault, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Williams, Mr. President.
Total 26

Noes: Aklestad, Bishop, Blaylock, Crippen, Eck, Farrell, Hammond, Harding, Himsl, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, Rasmussen, Regan, Smith, Tveit, Van Valkenburg, Weeding, Yellowtail.
Total 22

Excused: None.
Total 0

Absent or not voting: Hager, McLane.
Total 2

Senator Lynch moved that HB 39 be returned to third reading this day. Senator Lynch withdrew the motion.

Senator Lynch moved to suspend the rules to place HB 39 on third reading. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Bishop, Harding, Himsl, Lybeck, Smith, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch moved that HB 39 be placed on third reading this day. Motion carried.

Senator Crippen moved, without objection, that his vote on HB 47 be changed from yes to no.

Senator Severson moved, without objection, that his vote on HB 519 be changed from no to yes.

Senator Neuman moved, without objection, that his vote on HJR 32 be changed from no to yes.

Senator Manning moved, without objection, that his vote on HB 302 be changed from yes to no.

Senator Mazurek moved that the Senate reconsider its action in passing HB 465 on third reading.

Senator Meyer moved the previous question. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hager.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek's motion failed as follows:

Ayes: Blaylock, Eck, Hager, Halligan, Jacobson, Jergeson, Lynch, Mazurek, Pinsoneault, Rasmussen, Regan, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 16

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Manning, McCallum, McLane, Meyer, Neuman, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Williams.
Total 34

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 39 not concurred in as follows:

Ayes: Aklestad, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hammond, Harding, Himsl, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Neuman, Rasmussen, Regan, Smith, Stimatz, Van Valkenburg, Weeding, Yellowtail.
Total 25

Noes: Abrams, Anderson, Beck, Boylan, Gage, Galt, Haffey, Hager, Halligan, Hirsch, Hofman, Jacobson, Lybeck, Lynch, Manning, Meyer, Pinsoneault, Severson, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 2:00 p.m., March 31, 1987.

Motion carried.

Senate adjourned at 7:45 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

[illegible]

[illegible] Blaylock, [illegible] McCallum, [illegible] Hazlewood, Rowlands, Regan, Severson, Smallheiser, [illegible] Van [illegible], Vaughn, [illegible], [illegible], [illegible], Mr. President.

Total 19

NAYS

[illegible]

[illegible]

[illegible]

[illegible] Blaylock, [illegible] Jacobs, Hallgren, [illegible], Jones, Lyne, [illegible], Pierce, [illegible] Lorenzen, [illegible] Van [illegible], [illegible], Walker, [illegible]

[illegible] Anderson, [illegible] Bergstrom, Bishop, Boylan, [illegible] Ferrell, [illegible], [illegible], [illegible] Harding, Himel, [illegible], [illegible], Lobeck, Mann, [illegible] McCallum, McLeod, [illegible], [illegible], Schmitz, Story, [illegible], Tveit, Vaughn, [illegible]

[illegible]

[illegible]

[illegible]

THIRD READING OF BILLS

[illegible] bill [illegible] read [illegible] several times, [illegible] and his [illegible]

[illegible]

[illegible] Bishop, Blaylock, Brown, Chenoweth, Fox, [illegible], Hansmann, Harding, Himel, Jacobson, Keating, Kolstad, Marek, Mek[illegible], McLeod, Neuman, Hasmussen, Regan, Smith, Stimatz, Van Wilkenburg, Vincent, [illegible] President.

Total [illegible]

NAYS

[illegible] Abrams, Anderson, [illegible], Boylan, Cuss, Dale, Haffer, Huges, Hallgren, [illegible], Hulemeyer, Jacobson, Lyneck, Lynch, Mann, [illegible], Severson, Story, Thayer, Tveit, Vaughn, Walker, Mr. President.

Total 25

Paired: None.

Total 0

ABSENT

Total [illegible]

Advanced
Litho Printing

SENATE JOURNAL

OF THE

Fiftieth Legislature

OF THE

STATE OF MONTANA

VOLUME III

Held in Helena, the Seat of Government
Commencing in Regular Session January 5, 1987
and Ending April 23, 1987

BILL NORMAN
President of the Senate

BONNIE R. WALLEM
Secretary of the Senate

PUBLISHED BY
Montana Legislative Council

SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 31, 1987

Senate Chambers
State Capitol

Senate convened at 2:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventieth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman)
Signed by the President at 10:30 a.m., 3/31/87:
HB 424

TAXATION (McCallum, Chairman) 3/30/87
HB 617, be concurred in. Report adopted.
HB 709, third reading copy, be amended as follows:

1. Title, line 6.
Following: ""NEW","
Strike: ""EXPANDING""
Insert: ""EXPANSION""

2. Page 1, line 16.
Following: "~~expanding~~"
Strike: "EXPANDING"
Insert: "Expansion"

3. Page 1, line 19.
Following: "added"
Insert: "after July 1, 1987,"

4. Page 1, line 21.
Following: "jurisdiction"
Strike: "since July 1, 1981."
Insert: "either in the first tax year in which the benefits provided for in 15-24-1402 are to be received or in the preceding tax year."

5. Page 1, line 23.
Following: "to"
Strike: "an industry"
Insert: "a firm"

6. Page 2.
Following: line 9
Strike: "15-24-1402(2)"
Insert: "15-24-1402(3)"
Following: "INVESTED"
Insert: "after July 1, 1987,"
Following: "$500,000"
Insert: "worth of qualifying improvements or modernized processes"

7. Page 2, line 11.
Following: "JURISDICTION"

Insert: "either in the first tax year in which the benefits provided for in 15-24-1402 are to be received or in the preceding tax year"

8. Page 2.
Following: line 12
Insert: "(4) "Qualifying" means meeting all the terms, conditions, and requirements for a reduction in taxable value under 15-24-1401 and 15-24-1402."

9. Page 2, line 17.
Following: "issued,"
Insert: "qualifying"
Following: "improvements"
Insert: "or modernized processes"

10. Page 2, line 18.
Following: "industry"
Strike: "or modernization,"

11. Page 2, line 19.
Strike: "construction,"

12. Page 2, line 25.
Following: "value."
Insert: "However, total taxes on property receiving the reduced taxable value provided for in this section may not be lower than 4% of the appraised value of the property when all mills levied on the property are considered. If total taxes on the qualifying property are less than 4% after receiving the reduced taxable value provided in this section, the taxable value must be increased until total taxes levied on the property equal 4% of its appraised value or until the property does not receive a reduction in taxable value under this section, whichever occurs first.

(2) The tax benefits provided in subsection (1) may not be granted by a taxing jurisdiction if the improvements or modernized processes replace operations or facilities in another taxing jurisdiction in Montana."
Renumber: subsequent subsections

13. Page 3, line 15.
Following: "subsection"
Strike: "(2)(a)"
Insert: "(3)(a)"

14. Page 3, line 19.
Following: "REAL PROPERTY"
Insert: "other than land"

And, as amended, be concurred in. Report adopted.

HB 751, third reading copy, be amended as follows:

1. Page 1, line 20.
Following: "~~MONTHS,~~"
Insert: ", for a period of at least 6 consecutive months,"

And, as amended, be concurred in. Report adopted.

Adverse Committee Report

TAXATION (McCallum, Chairman) 3/27/87

HB 678, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Eck, Regan, Vaughn.
Total 3

Excused: None.
Total 0

Absent or not voting: Rasmussen, Smith.
Total 2

MESSAGES FROM THE GOVERNOR

The Honorable William Norman March 30, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 17, 18, 21, 43, 68, 83, 85, 138, 144, 180, 186, 202, 220, 247, 263, 277, 288, and 382 on Sunday, March 29, 1987.

Sincerely,

Ted Schwinden
Governor

The Honorable William Norman March 30, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bill No. 141 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable William Norman March 31, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 114, 196, 245, 260, 276, 306, and 379 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

March 31, 1987

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 374 "AN ACT TO AUTHORIZE THE STATE BANKING BOARD TO ISSUE A CERTIFICATE OF AUTHORITY WITHOUT HEARING IN CERTAIN CIRCUMSTANCES; AND AMENDING SECTION 32-1-204, MCA," without my signature and recommend the attached amendments for the following reasons.

Montana law currently requires the State Banking Board to go through a lengthy notice and hearing process before a new charter may be granted, even in a failed bank situation. Senate Bill No. 374 enacts a much needed provision that will allow the State Banking Board to adopt rules to issue emergency certificates of authority for the immediate rechartering of a state chartered bank that has been purchased after its failure has been declared. The federal banking laws already contain a similar provision for federally chartered banks.

Unfortunately Senate Bill No. 374, as approved, is not effective until October 1, 1987. Because of the difficult situation facing the state's banking community, it is prudent to have this important tool in effect as soon as possible. My amendments would give the bill an immediate effective date.

I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS TO
SENATE BILL NO. 374
(Reference Copy)
March 31, 1987

1. Title, line 7.
Following: "CIRCUMSTANCES;"
Strike: "AND"

2. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 16
Insert: "NEW SECTION. Section 2. Effective date. This act is effective on passage and approval"

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 29, introduced by Lynch.

SB 69, introduced by Farrell.

SB 77, introduced by Pinsoneault.

SB 96, introduced by Rasmussen.

SB 113, introduced by Gage.

SB 134, introduced by Beck.

SB 152, introduced by Walker.

SB 175, introduced by Halligan.

SB 229, introduced by Mazurek.

SB 235, introduced by B. Brown.

SB 250, introduced by McLane.

SB 253, introduced by Himsl.

SB 257, introduced by Thayer.

SB 279, introduced by Keating.

SB 289, introduced by Van Valkenburg.

SB 300, introduced by Manning.

SB 302, introduced by Jergeson.

SB 362, introduced by Jacobson.

SB 370, introduced by Jacobson.

SB 373, introduced by Blaylock.

House bill passed and transmitted to the Senate for concurrence:

HB 873, introduced by Hannah.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 51, introduced by B. Brown.

SB 111, introduced by Halligan.

SB 122, introduced by Crippen.

SB 139, introduced by Smith.

SB 142, introduced by Weeding.

SB 160, introduced by Mazurek.

SB 161, introduced by Mazurek.

SB 170, introduced by Rasmussen.

SB 184, introduced by Tveit.

SB 187, introduced by Farrell.

SB 189, introduced by Van Valkenburg.

SB 210, introduced by Keating.

SB 212, introduced by Farrell.

SB 219, introduced by Meyer.

SB 226, introduced by Halligan.

SB 241, introduced by Keating.

SB 246, introduced by Bengtson.

SB 261, introduced by B. Brown.

SB 275, introduced by Jergeson.

SB 286, introduced by Galt.

SB 295, introduced by Meyer.

SB 298, introduced by Neuman.

SB 303, introduced by Halligan.

SB 315, introduced by Williams.

SB 321, introduced by Jergeson.

SB 329, introduced by Blaylock.

SB 331, introduced by Smith.

SB 338, introduced by Boylan.

SB 341, introduced by Keating.

SB 344, introduced by B. Brown.

SB 353, introduced by Meyer.

SB 359, introduced by Haffey.

SB 360, introduced by Bishop.

SB 361, introduced by Halligan.

SB 363, introduced by Jacobson.

SB 371, introduced by Regan.

SB 375, introduced by Bishop.

SB 380, introduced by Pinsoneault.

SB 385, introduced by Weeding.

Senate bills not concurred in and returned to the Senate:

SB 34, introduced by Harding.

SB 199, introduced by B. Brown.

Free Conference Committee Report adopted:

SB 151, Free Conference Committee Report.

MOTIONS

Senator Lybeck moved that HB 628 be taken from the Committee on Agriculture, Livestock, and Irrigation, and placed on second reading. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Eck, Galt, Haffey, Hammond, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Noes: Aklestad, Anderson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Smith, Story, Thayer, Tveit.
Total 22

Excused: None.
Total 0

Absent or not voting: Rasmussen.
Total 1

Senator Blaylock moved that the Senate reconsider its previous action in failing to pass HB 39 on third reading.

Senator Galt moved the previous question. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Lybeck, Manning, Neuman, Pinsoneault.
Total 4

Excused: None.
Total 0

Absent or not voting: Hofman, Keating.
Total 2

Senator Blaylock's motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hammond, Himsl, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Neuman, Rasmussen, Regan, Severson, Smith, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail.
Total 29

Noes: Anderson, Boylan, Gage, Galt, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Lybeck, Lynch, Manning, Meyer, Pinsoneault, Stimatz, Story, Thayer, Walker, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Blaylock moved that the Senate temporarily suspend the rules to place HB 39 on third reading this day. Motion failed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Hammond, Harding, Himsl,

Jergeson, Keating, Mazurek, McCallum, McLane, Neuman, Rasmussen, Regan, Severson, Smith, Tveit, Weeding, Yellowtail.
Total 28

Noes: Anderson, Boylan, Haffey, Hager, Hirsch, Hofman, Jacobson, Kolstad, Lybeck, Lynch, Manning, Meyer, Pinsoneault, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Galt.
Total 1

Senator Blaylock moved that HB 39 be placed on third reading on the 72nd legislative day. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Hammond, Harding, Himsl, Hirsch, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Neuman, Rasmussen, Regan, Severson, Smith, Story, Tveit, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 33

Noes: Anderson, Boylan, Galt, Haffey, Hager, Hofman, Jacobson, Lybeck, Lynch, Manning, Meyer, Pinsoneault, Stimatz, Thayer, Walker, Williams, Mr. President.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hirsch moved that HB 535 be placed at the top of the board on second reading this day. Motion carried.

Senator Van Valkenburg moved that the staff of the Legislative Fiscal Analyst be allowed floor privileges during debate on HB 5 on second reading. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 20, introduced by Hanson (By Request of the Committee on Indian Affairs). Referred to Committee on Finance and Claims.

HB 373, introduced by Darko, Stang, Addy, Harrington, Connelly, C. Smith, Jones, Driscoll, Harper, Rapp-Svrcek, Vaughn. Referred to Committee on Finance and Claims.

HB 460, introduced by Keenan, Wallin, Eck, Lynch, Connelly, Vaughn, Stang, Regan, Stratford, Darko, Haffey, Hayne, Peterson, Harding, Boylan, Donaldson, Bradley, Lory, Miles, Driscoll, Nisbet, Daily, Winslow, Thoft, Hanson, Cohen, Holliday, Jacobson. Referred to Committee on Finance and Claims.

HB 538, introduced by Winslow, Cobb, Campbell, Harper, Gilbert, Cohen, Vincent, Hannah, Simon, Rehberg, Bradley, Donaldson, Miller, Nathe, Thoft, Phillips, Mercer, Corne', Menahan, Marks. Referred to Committee on Finance and Claims.

HB 702, introduced by Vincent, Marks. Referred to Committee on Finance and Claims.

HB 744, introduced by Ramirez, Fritz, J. Brown, Sales. Referred to Committee on Finance and Claims.

HB 814, introduced by Donaldson, Giacometto, Keller, Koehnke, Devlin, Hayne, Peterson, Menahan, Switzer, Vincent, Grady, Manuel, Marks. Referred to Committee on Finance and Claims.

HB 880, introduced by Winslow (By Request of the State Auditor). Referred to Committee on Finance and Claims.

HB 881, introduced by Bradley, Regan, Giacometto, Miller, Spaeth, Donaldson, Harper. Referred to Committee on Finance and Claims.

HB 888, introduced by Winslow, Bradley, Cobb. Referred to Committee on Finance and Claims.

HJR 44, introduced by Pavlovich, Harper, Vincent, Cohen, Driscoll, Bradley, Harrington, Ream, Connelly, Gould, Corne', Darko, Haffey, Blaylock, Kennerly, Miles, Swysgood, Ramirez, Holliday, Ellison, Kadas, Eck, Hannah, Spaeth, Miller, Iverson, O'Connell, Gilbert, Kitselman, Jones, J. Brown, Phillips, Fritz, Grady, Cody, Nisbet, Pistoria, Lynch, Stimatz, Regan, Walker, Abrams, Peck, Hanson, Daily, Menahan, Quilici, M. Williams, D. Brown, Van Valkenburg, McCormick, Strizich, Manuel, Bachini, Brandewie, Thoft, Bulger, Koehnke, DeMars, Schye, Lynch, Jacobson, Squires. Referred to Committee on Natural Resources.

HJR 45, introduced by Winslow. Referred to Committee on Public Health, Welfare, and Safety.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Halligan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 535 - Senator Hirsch moved that HB 535, third reading copy, be amended as follows:

1. Senate Fish and Game Standing Committee Report, dated 3/27/87.
Strike: amendments #1 through #7 in their entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 32

Noes: Bengtson, Bishop, Blaylock, Crippen, Halligan, Jergeson, Lynch, Manning, Mazurek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: Boylan, Jacobson.
Total 2

Senator Boylan moved that HB 535, third reading copy, be further amended as follows:

1. Title, line 9.
Following: "APPLICANTS"
Insert: "AND TO HUNT WITH RESIDENT LANDOWNER SPONSORS"

2. Page 2, line 17.
Following: "~~one-half~~"
Insert: "5,600 of the authorized Class B-10 licenses and"

Amendment failed as follows:

Ayes: Boylan, Eck, Hammond, Hofman, Keating, Kolstad, Lynch, Weeding.
Total 8

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 41

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

Senator Hirsch moved that HB 535, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 33

Noes: Bengtson, Bishop, Crippen, Eck, Halligan, Jacobson, Jergeson, Lynch, Manning, Mazurek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 151 - Senator Galt moved that the Free Conference Committee Report on SB 151 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 5 - Senator Van Valkenburg moved that HB 5 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 222 - Senator Severson moved that HB 222 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Haffey in the Chair.

HB 409 - Senator Crippen moved that HB 409 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 512 - Senator Halligan moved that HB 512 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Halligan in the Chair.

HB 523 - Senator Manning moved that HB 523 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 583 - Senator Mazurek moved that HB 583 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 606 - Senator Hager moved that HB 606 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 607 - Senator Jacobson moved that HB 607 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 658 - Senator Himsl moved that HB 658 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 700 - Senator Neuman moved that HB 700 be concurred in. Senator Neuman made a substitute motion that consideration on HB 700 be passed. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 791 - Senator Gage moved that HB 791 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Blaylock.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 794 - Senator McCallum moved that HB 794, third reading copy, be amended as follows:

1. Title, lines 7 and 8.
Strike: ", NONPROFIT"

2. Page 2, line 13.
Strike: "nonprofit"

3. Page 2, lines 16 and 17.
Following: "SCIENCES" on line 16
Strike: "AND ORGANIZED UNDER TITLE 35, CHAPTER 2 OR 3"

4. Page 2, lines 18 and 19.
Following: "SCIENCES"
Strike: "AND ORGANIZED UNDER TITLE 35, CHAPTER 2 OR 3,"

Amendment failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Jergeson, Lybeck, McCallum, Meyer, Severson, Smith, Story, Thayer, Tveit, Mr. President.
Total 23

Noes: Abrams, Bengtson, Blaylock, Boylan, Eck, Gage, Himsl, Hirsch, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding.
Total 24

Excused: None.
Total 0

Absent or not voting: Kolstad, Williams, Yellowtail.
Total 3

Senator Mazurek moved that HB 794 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 817 - Senator Weeding moved that HB 817 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 825 - Senator Hager moved that HB 825 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 - Senator Stimatz moved that the Conference Committee Report on HB 206 be adopted. Senator Mazurek made a substitute motion that the Conference Committee Report on HB 206 be rejected. Substitute motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Hager, Harding, Himsl, Hirsch, Hofman, Jergeson, Lybeck, Mazurek, McCallum, Pinsoneault, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 27

Noes: Abrams, Bengtson, Galt, Haffey, Halligan, Hammond, Jacobson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Severson, Smith, Stimatz, Tveit, Walker, Williams, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Boylan, Farrell.
Total 2

HJR 43 - Senator Hager moved that HJR 43 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 1:15 p.m., April 1, 1987.

Motion carried.

Senate adjourned at 6:38 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

Nays: None.
Total 0

Excused: [illegible]

Absent or not voting: None.
Total 0

HB 206 - Senator [illegible] moved that the Conference Committee [illegible] on HB 206 be adopted. Senator Mazurek made [illegible] substitute [illegible] that the Conference Committee Report on HB 206 be rejected. [illegible] motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, [illegible] Gage, [illegible], Harding, Himsl, [illegible], Hofman, Jergeson, Lybeck, Mazurek, McCallum, [illegible], Rasmussen, [illegible], Story, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 27

Nays: Abrams, Bengtson, Galt, [illegible], Halligan, Hammond, Jacobson, [illegible], [illegible], Lynch, Manning, [illegible], Meyer, Neuman, [illegible], [illegible], Stimatz, [illegible], Walker, Williams, Mr. President.
Total 21

Excused: None
Total 0

Absent or not voting: Boylan, Farrell.
Total 2

HJR 43 - Senator Hager moved that HJR 43 be concurred in. [illegible] carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, [illegible], [illegible], Blaylock, Boylan, [illegible], [illegible], Galt, Farrell, Gage, Galt, Hammond, Harding, Himsl, [illegible], Hofman, Jacobson, [illegible], [illegible], Lynch, Manning, Mazurek, [illegible], Neuman, [illegible], Rasmussen, [illegible], Thayer, [illegible], Van Valkenburg, Vaughn, [illegible], Yellowtail, [illegible] President.
Total 50

SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana
April 1, 1987

Senate Chambers
State Capitol

Senate convened at 1:18 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Neuman, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-first legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/1/87

Correctly enrolled:

SB 53	SB 66	SB 88	SB 92
SB 121	SB 145	SB 146	SB 147
SB 164	SB 223	SB 252	SB 258
SB 356	SB 357		

Examined by the sponsors and found to be correct:

SB 53	Smith
SB 66	Gage
SB 88	Van Valkenburg
SB 92	Stimatz
SB 121	Brown
SB 145	Jacobson
SB 146	Jacobson
SB 147	Jacobson
SB 164	Gage
SB 223	Eck
SB 252	Regan
SB 258	Brown
SB 356	Kolstad
SB 357	Haffey

Signed by the President at 1:45 p.m., 4/1/87:

HB 236	HB 363	HB 429	HB 443
HB 454	HB 513	HB 546	HB 579
HB 640	HB 699	HB 810	

Signed by the President at 3:10 p.m., 4/1/87:

HB 252

Signed by the President at 3:50 p.m., 4/1/87:

SB 53	SB 66	SB 88	SB 92
SB 121	SB 145	SB 146	SB 147
SB 164	SB 223	SB 252	SB 258
SB 356	SB 357		

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman) 3/31/87

HB 372, be concurred in. Report adopted.

HB 586, third reading copy, be amended as follows:

1. Statement of intent.
Following: "doing." on line 14
Strike: remainder of lines 14 through 20

2. Title.
Following: line 5
Insert: "TO PROVIDE A TAX ON TABLE WINE SOLD BY A DISTRIBUTOR TO CERTAIN COMMISSION AGENTS;"

3. Page 1, lines 11 and 12.
Following: "wine"
Strike: "sold by the state"
Insert: "— tax on certain table wine"

4. Page 1, line 13.
Following: "sold"
Insert: "either"
Following: "department"
Insert: ","

5. Page 1, line 14.
Following: "store"
Insert: ", or by a commission agent, who was appointed before April 30, 1987, including subsequent renewals of such appointment, and who elects to order table wine from the department,"

6. Page 1, lines 19 through 21.
Following: "1987, is"
Strike: remainder of line 19 through "department" on line 21
Insert: "as determined by the agent;

(3) In addition to the tax on wine assessed under 16-1-411, there is a tax of 32 cents a liter on table wine sold by a table wine distributor to an agent as described in subsection (2). This additional tax must be paid to the department by the distributor in the same manner as the tax under 16-1-411 is paid."

7. Page 2, line 1.
Following: "1987,"
Insert: "including subsequent renewals of such appointments,"

And, as amended, be concurred in. Report adopted.

HJR 42, be concurred in. Report adopted.

FINANCE AND CLAIMS (Regan, Chairman)
HB 434, third reading copy, be amended as follows: 3/30/87

1. Title, line 8.
Following: "FUND;"
Insert: "APPROPRIATING MONEY FROM THE COAL SEVERANCE TAX PERMANENT FUND;"

2. Page 1.
Following: line 12
Strike: everything following the enacting clause
Insert: "Section 1. Time limits. The appropriations contained in this act are intended to provide only necessary and ordinary expenditures for the year for which the appropriations are made. The unspent balance of any appropriation must revert to the fund from which it was appropriated unless the appropriation is continued by this act.

Section 2. Governor's power to reduce appropriations. In the event of a shortfall in revenue, the governor may reduce any appropriation in this act by not more than 15%.

Section 3. Totals not appropriations. The totals shown in this act are for informational purposes only and are not appropriations.

Section 4. Appropriations. The following money is appropriated, subject to the terms and conditions of this act:

Agency and Program	FY	Amount	Fund
A. GENERAL GOVERNMENT			
BOARD OF CRIME CONTROL			
Crime Reporting Enhancement	1987	$ 57,698	Federal Special

The unexpended balances are reappropriated for fiscal years 1988 and 1989.

DEPARTMENT OF MILITARY AFFAIRS			
Disaster and Emergency Services	1987	42,404	General Fund
SECRETARY OF STATE			
Food Security Act	1987	156,466	State Special
STATE AUDITOR			
Central Payroll	1987	20,162	State Special
Central Payroll	1987	35,000	State Special
Fiscal Management	1987	11,400	General Fund
Insurance	1987	6,000	State Special
DEPARTMENT OF JUSTICE			
County Attorney Payroll	1987	57,200	General Fund
Forensic Science	1987	56,520	State Special
Law Enforcement Academy	1987	10,500	State Special
DEPARTMENT OF REVENUE			
Beneficial Use Litigation	1987	3,864	General Fund
DEPARTMENT OF ADMINISTRATION			
Reappraisals	1987	491,362	General Fund
Manual Disparity	1987	33,750	General Fund
DEPARTMENT OF HIGHWAYS			
Maintenance	1987	65,000	State Special

Agency and Program	FY	Amount	Fund

This appropriation is contingent upon legislation passing that would increase the speed limit on the interstate system to 65 miles per hour.

ENVIRONMENTAL QUALITY COUNCIL			
Equipment and Related Items	1987	7,500	General Fund

B. EDUCATION

OFFICE OF PUBLIC INSTRUCTION			
Title IX Suit	1987	100,609	General Fund
Foundation Suit	1987	234,313	General Fund
Transportation	1987	281,586	General Fund
School Foundation Program	1987	1,000,000	General Fund
Federal Discretionary	1987	807,474	Federal Special
	1987	17,525	General Fund
BOARD OF PUBLIC EDUCATION			
MONTANA UNIVERSITY SYSTEM			
Board of Regents	1987	4,500	General Fund
MSU - Fee Waiver	1987	207,657	General Fund

C. NATURAL RESOURCES

DEPARTMENT OF STATE LANDS			
Central Administration	1987	11,800	General Fund
Forestry	1987	557,462	General Fund
DEPARTMENT OF COMMERCE			
Lewis and Clark County	1987	1,814,822	General Fund

This appropriation is to satisfy the court award in Lewis and Clark County vs. State of Montana, Montana Supreme Court docket number 86-289.

D. INSTITUTIONS

DEPARTMENT OF INSTITUTIONS			
Corrections Medical	1987	680,000	General Fund
Workers' Compensation	1987	1,974,297	General Fund

Agency and Program	FY	Amount	Fund
MOUNTAIN VIEW SCHOOL			
Care and Custody	1987	4,000	State Special
PINE HILLS SCHOOL			
Care and Custody	1987	15,000	State Special
MONTANA STATE PRISON			
Prison Lawsuit	1987	351,291	General Fund
MSP Canteen	1987	244,998	State Special
SWAN RIVER FOREST CAMP			
Canteen Fund	1987	15,000	State Special
MONTANA STATE HOSPITAL			
Canteen Fund	1987	12,162	State Special
YOUTH TREATMENT CENTER			
Treatment Services	1987	140,000	General Fund

E. HUMAN SERVICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES			
Certificate of Need	1987	35,713	General Fund
Water Quality Bureau	1987	103,718	Federal Special
DEPARTMENT OF LABOR AND INDUSTRY			
Workers' Compensation			
Social Security Offset	1987	20,702	General Fund
Workload Increase	1987	313,064	State Special
	1987	23,223	State Special
Actuary Report	1987	6,114	State Special
Workers' Compensation Audit	1987	60,536	State Special
Computer Terminal and Costs	1987	11,109	Federal Special
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES			
Foster Care	1987	1,727,008	General Fund
	1987	(107,922)	Federal Special

Agency and Program	FY	Amount	Fund
	1987	378,377	Other Special
AFDC	1987	2,378,109	General Fund
	1987	5,915,012	Federal Special
	1987	196,745	Other Special
Day Care	1987	48,203	General Fund
	1987	94,563	Federal Special
General Assistance	1987	2,905,006	General Fund
Nonresident GA	1987	150,000	General Fund
Medical Assistance			
Administration	1987	2,500	General Fund
	1987	7,500	Federal Special
State Medical	1987	2,547,951	General Fund
Medicaid Youth	1987	488,400	General Fund
Treatment Center	1987	1,011,600	Federal Special
Medicaid Other	1987	7,045,153	General Fund
	1987	13,698,532	Federal Special
State Medical	1987	60,000	General Fund
Consultec Claims	1987	(20,000)	Federal Special
12-Mill Levy Deficiency	1987	218,958	General Fund

STATEWIDE TOTAL		
General Fund	1987	$25,651,045
State Special Revenue	1987	1,043,745
Federal Special Revenue	1987	21,579,284
Other Special Revenue	1987	575,122
Total		$48,864,788

Section 5. Transfer to general fund — reversion. (1) There is transferred $35 million from the local impact and education trust fund account funded by 15-35-108(3)(b) to the general fund.

(2) All funds transferred to the general fund pursuant to subsection (1) that are unspent and unencumbered on June 30, 1987, revert to the local impact and education trust fund account.

Section 6. Appropriation of coal severance tax permanent fund — three-fourths vote required. (1) There is appropriated $35 million from the coal severance tax permanent fund created in 17-5-703(1)(b), but not from the Montana in-state investment fund created in 17-6-306, to the general fund for the fiscal year ending June 30, 1987.

(2) Because subsection (1) appropriates money from the coal severance tax permanent fund, Article IX, section 5, of the Montana constitution requires a vote of three-fourths of the members of each house for passage. If passage occurs without the necessary three-fourths vote, this section is void.

Section 7. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 852, be concurred in. Report adopted. 3/31/87

MESSAGES FROM THE GOVERNOR

The Honorable William Norman April 1, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 292, 305, and 313 on this date.

Sincerely,

Ted Schwinden
Governor

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess until 3:00 p.m. Motion carried.

Senate recessed at 1:26 p.m.

Senate reconvened at 3:05 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Mazurek in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 49 - Senator Thayer moved that House amendments to SB 49 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SB 102 - Senator Story moved that House amendments to SB 102 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Halligan in the Chair.

SB 181 - Senator Van Valkenburg moved that House amendments to SB 181 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SB 213 - Senator Mazurek moved that House amendments to SB 213 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SB 320 - Senator Brown moved that House amendments to SB 320 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

Senator Mazurek in the Chair.

SB 369 - Senator Tveit moved that House amendments to SB 369 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SB 374 - Senator Van Valkenburg moved that consideration on the Governor's amendments to SB 374 be passed. Motion carried.

SR 3 - Senator Haffey moved that SR 3 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

SJR 14 - Senator Gage moved that SJR 14 do pass. Motion carried as follows:

Ayes: Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Himsl, Hofman, Jacobson, Keating, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Walker, Williams, Mr. President.
Total 28

Noes: Abrams, Aklestad, Anderson, Beck, Galt, Hager, Hammond, Hirsch, Jergeson, Kolstad, Lybeck, Lynch, Manning, McCallum, Severson, Smith, Story, Tveit, Vaughn, Weeding, Yellowtail.
Total 21

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 6 - Senator Van Valkenburg moved that HB 6 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 700 - Senator Van Valkenburg moved that consideration on HB 700 be passed. Motion carried.

HB 705 - Senator Meyer moved that consideration on HB 705 be passed. Motion carried.

HB 29 - Senator Vaughn moved that HB 29 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HJR 16 - Senator Pinsoneault moved that consideration on HJR 16 be passed. Motion carried.

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Mazurek moved the adoption of the committee report. Report adopted.

At the request of Senator Lynch, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that HB 791 be taken from third reading this day and placed on second reading on the 73rd legislative day, 4/2/87. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 151, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 5 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Hammond, Keating.
Total 3

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 39 concurred in as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Hammond, Harding, Himsl, Jergeson, Keating, Kolstad, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 35

Noes: Anderson, Boylan, Gage, Galt, Haffey, Hirsch, Hofman, Jacobson, Lybeck, Lynch, Pinsoneault, Stimatz, Story, Williams, Mr. President.
Total 15

Paired: Neuman, Aye; Lynch, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 222 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 409 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 512 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Bishop, Yellowtail.
Total 2

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 523 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: Himsl, Hofman, Keating, Neuman.
Total 4

Paired: Walker, Aye; Neuman, No.

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

HB 535 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total 34

Noes: Bengtson, Bishop, Crippen, Eck, Jacobson, Jergeson, Lynch, Manning, Mazurek, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.

Total 16

Paired: Neuman, Aye; Lynch, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 583 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Boylan, Keating, Smith, Tveit.
Total 4

Excused: Neuman.
Total 1

Absent or not voting: Severson.
Total 1

HB 606 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 607 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Hirsch, Jergeson, Kolstad, McCallum, Smith, Yellowtail.
Total 6

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 658 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Bengtson, Bishop, Neuman, Smith, Story, Tveit, Yellowtail.
Total 7

Paired: Walker, Aye; Neuman, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 794 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 817 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HB 825 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

HJR 43 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hammond.
Total 1

Excused: Neuman.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to allow acceptance of HB 873 after the transmittal deadline. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 2:00 p.m., April 2, 1987.

Motion carried.

Senate adjourned at 4:51 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana
April 2, 1987

Senate Chambers
State Capitol

Senate convened at 2:05 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Haffey, Mazurek, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-second legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/1/87

Correctly enrolled:

SB 29	SB 69	SB 77	SB 235
SB 250	SB 253	SB 257	SB 279
SB 289	SB 300	SB 302	SB 362
SB 370			

Considered correctly engrossed: 4/2/87

SJR 14

Examined by the sponsors and found to be correct:

SB 29	Lynch
SB 69	Farrell
SB 77	Pinsoneault
SB 235	Brown
SB 250	McLane
SB 253	Himsl
SB 257	Thayer
SB 279	Keating
SB 289	Van Valkenburg
SB 300	Manning
SB 302	Jergeson
SB 362	Jacobson
SB 370	Jacobson

Signed by the President at 11:00 a.m., 4/2/87:

HB 53	HB 69	HB 121	HB 220
HB 253	HB 282	HB 316	HB 365
HB 397	HB 492	HB 566	HB 637
HB 654	HB 762	HB 779	HB 804
HB 823			

Delivered to the Governor at 9:27 a.m., 4/2/87:

SB 53	SB 66	SB 88	SB 92
SB 121	SB 145	SB 146	SB 147
SB 164	SB 223	SB 252	SB 258
SB 356	SB 357		

Report adopted.

Adverse Committee Reports

FINANCE AND CLAIMS (Regan, Chairman) 3/31/87

SB 397, do not pass. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch,

Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Anderson, Brown, Eck, Farrell, Hofman, Neuman, Severson.
Total 7

Excused: Haffey, Mazurek.
Total 2

Absent or not voting: Smith.
Total 1

HB 243, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Gage, Jergeson.
Total 2

Excused: Haffey, Mazurek.
Total 2

Absent or not voting: Smith, Yellowtail.
Total 2

HB 660, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "LEGISLATURE"
Insert: "LEGISLATIVE FINANCE COMMITTEE"

2. Page 4, line 22.
Following: "SUBMIT"
Insert: "one copy of"

And, as amended, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Keating, Lybeck, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Aklestad, Farrell, Hammond, Jacobson, Jergeson, Kolstad, McCallum, Thayer, Tveit, Vaughn.
Total 10

Excused: Haffey, Mazurek.
Total 2

Absent or not voting: Smith.
Total 1

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

April 2, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 136 and 176 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

April 1, 1987

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 532, "AN ACT ELIMINATING THE REQUIREMENT THAT COUNTY TREASURERS MUST ISSUE A RECEIPT IF A PAYMENT IS RECEIVED THROUGH THE MAIL OR BY ELECTRONIC MEANS; AND AMENDING SECTIONS 7-6-2116 AND 15-16-104, MCA," without my signature and recommend the attached amendments for the following reasons.

House Bill No. 532, as passed, is effective on October 1, 1987. If the bill were made effective on passage and approval, counties would not be required to issue receipts for the second half of the 1986 property taxes, which are due on May 31. This would result in substantial savings of county dollars statewide. For example, Cascade County officials estimate that this would save their county approximately $12,000.

My amendments, proposed at the request of Representative Poulsen, chief sponsor, would add an immediate effective date. I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS TO
HOUSE BILL NO. 532
(Reference Copy)
April 1, 1987

1. Title.
Following: line 9
Strike: "AND"

2. Title, line 10.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 2.
Following: line 16
Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

April 2, 1987

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 118, "AN ACT TO CLARIFY THAT THE DIVISION OF WORKERS' COMPENSATION MAY CONCURRENTLY PURSUE CIVIL AND CRIMINAL ACTIONS AGAINST AN UNINSURED EMPLOYER; TO CREATE THE CRIMINAL OFFENSE OF EMPLOYER MISCONDUCT; TO IMPOSE PENALTIES FOR THE COMMISSION OF EMPLOYER MISCONDUCT; AND AMENDING SECTION 39-71-507, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." without my signature and recommend the attached amendments for the following reasons.

Senate Bill No. 118 was amended after introduction to create a new crime, employer misconduct. Employer misconduct is a felony, punishable by a fine not to exceed $50,000 or up to ten years imprisonment, or both.

Senate Bill No. 118 has an immediate effective date. This immediate effective date raises serious constitutional questions as to the validity of any employer misconduct prosecution instituted during the days and months immediately following approval of the bill. The constitutional guarantee of due process of law requires that a citizen have adequate notice of a criminal statute so that he can conform his conduct to that statute and avoid prosecution. Because of the immediate effective date in Senate Bill No. 118, a person who is committing no crime under current law could become a felon with the stroke of my pen.

My amendments remedy this constitutional infirmity by inserting a July 1, 1987 effective date. I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS TO
SENATE BILL NO. 118
(Reference Copy)
April 2, 1987

1. Title.
Following: line 10

Strike: "IMMEDIATE"

2. Page 3, line 12.
Following: "EFFECTIVE"
Strike: "ON PASSAGE AND APPROVAL"
Insert: "July 1, 1987"

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HB 38, introduced by Pavlovich.

HB 155, introduced by Bardanouve.

HB 275, introduced by Rapp-Svrcek.

HB 436, introduced by Ramirez.

HB 593, introduced by J. Brown.

HB 599, introduced by Mercer.

HB 627, introduced by Strizich.

HB 754, introduced by Bradley.

HB 787, introduced by Addy.

HB 854, introduced by Vincent.

HB 855, introduced by Vincent.

HB 861, introduced by Nathe.

HB 862, introduced by Winslow.

HB 867, introduced by Vincent.

HB 870, introduced by Harper.

HB 871, introduced by Miller.

HB 884, introduced by C. Smith.

HB 887, introduced by Asay.

HB 890, introduced by Hannah.

HB 894, introduced by Thoft.

HB 895, introduced by Phillips.

HB 896, introduced by Mercer.

HB 901, introduced by Rehberg.

HB 903, introduced by Grinde.

HB 904, introduced by Harp.

HB 905, introduced by Winslow.

HB 906, introduced by Ramirez.

MOTIONS

Senator Severson moved that the Senate reconsider its action in adopting the Adverse Committee Report on SB 397. Motion failed as follows:

Ayes: Anderson, Bishop, Brown, Eck, Farrell, Galt, Harding, Keating, Kolstad, Lybeck, McCallum, Meyer, Neuman, Severson.
Total 14

Noes: Abrams, Aklestad, Beck, Bengtson, Blaylock, Boylan, Crippen, Gage, Hager, Halligan, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Lynch, Manning, McLane, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Excused: Haffey, Mazurek.
Total 2

Absent or not voting: Smith.
Total 1

Senator Story moved that the Senate temporarily suspend the rules to allow HB 896 to be received and placed on second reading. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Haffey, Mazurek.
Total 2

Absent or not voting: None.
Total 0

Senator Regan moved that consideration on House amendments to SB 371 be passed. Motion carried.

Senator Pinsoneault moved that the Senate request the return of HB 161 from the House for reconsideration by the Senate. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Farrell, Thayer, Tveit.
Total 3

Excused: Haffey, Mazurek.
Total 2

Absent or not voting: Blaylock, McCallum.
Total 2

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 873, introduced by Hannah, Pinsoneault. Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Mazurek present at this time.

SB 111 - Senator Halligan moved that House amendments to SB 111 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Brown, Eck, Farrell, Gage, Galt, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Bengtson, Boylan, Crippen, Hammond, Himsl, Lynch, McCallum.
Total 8

Excused: Haffey.
Total 1

Absent or not voting: Rasmussen.
Total 1

SB 139 - Senator Smith moved that House amendments to SB 139 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 160 - Senator Mazurek moved that House amendments to SB 160 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 189 - Senator Van Valkenburg moved that House amendments to SB 189 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 212 - Senator Farrell moved that House amendments to SB 212 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 241 - Senator Keating moved that House amendments to SB 241 be concurred in. Senator Van Valkenburg made a substitute motion that House amendments to SB 241 be placed at the bottom of the board. Substitute motion carried.

SB 286 - Senator Galt moved that House amendments to SB 286 be not concurred in. Senator Bishop made a substitute motion that House amendments to SB 286 be concurred in. Substitute motion failed as follows:

Ayes: Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 19

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Story, Thayer, Tveit, Weeding, Williams.
Total 30

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

Senator Galt's motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Story, Thayer, Tveit, Weeding, Williams.
Total 30

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 19

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 298 - Senator Neuman moved that House amendments to SB 298 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 315 - Senator Williams moved that House amendments to SB 315 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Lynch, Manning.
Total 3

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 329 - Senator Blaylock moved that House amendments to SB 329 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 344 - Senator Brown moved that House amendments to SB 344 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 353 - Senator Meyer moved that House amendments to SB 353 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 359 - Senator Van Valkenburg moved that consideration on House amendments to SB 359 be passed. Motion carried.

SB 361 - Senator Halligan moved that House amendments to SB 361 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 363 - Senator Jacobson moved that House amendments to SB 363 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

SB 375 - Senator Bishop moved that House amendments to SB 375 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Haffey.
Total 1

Absent or not voting: None.
Total 0

Senator Haffey present at this time.

SB 385 - Senator Weeding moved that House amendments to SB 385 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 374 - Senator Neuman moved that the Governor's amendments to SB 374 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 617 - Senator Hager moved that HB 617 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 628 - Senator Lybeck moved that HB 628 be concurred in. Motion failed as follows:

Ayes: Abrams, Bengtson, Eck, Galt, Haffey, Hager, Hammond, Lybeck, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 19

Noes: Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Walker.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Aklestad moved that HB 628 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Gage, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 28

Noes: Abrams, Boylan, Eck, Galt, Haffey, Hager, Halligan, Hammond, Lybeck, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Galt in the Chair.

HB 700 - Senator Neuman moved that HB 700 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Jacobson,

Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Bishop, Brown, Gage, Himsl, Hirsch, Hofman, Keating, McLane, Smith, Story, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 705 - Senator Mazurek moved that HB 705, third reading copy, be amended as follows:

1. Title, line 7.
Following: "FORCES"
Insert: "OUTSIDE MONTANA"

2. Page 1, line 25.
Following: "forces"
Insert: "outside Montana"

Amendment passed as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Eck, Gage, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Anderson, Boylan, Crippen, Farrell, Galt, Hammond, Harding, Hofman, Keating, Kolstad, McLane, Meyer, Smith, Story, Thayer, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: Brown, Jergeson, McCallum.
Total 3

Senator Meyer moved that HB 705, as amended, be not concurred in. Senator Mazurek made a substitute motion that HB 705, as amended, be concurred in. Substitute motion carried as follows:

Ayes: Abrams, Beck, Bishop, Blaylock, Boylan, Eck, Haffey, Hager, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Anderson, Bengtson, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, Meyer, Severson, Smith, Story, Thayer, Tveit.
Total 20

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

HB 709 - Senator Halligan moved that HB 709, third reading copy, be amended as follows:

1. Senate Taxation Standing Committee Report, dated 3/30/87.
Strike: amendments #12 and #13 in their entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Halligan moved that HB 709, as amended, be concurred in. Senator Keating made a substitute motion that HB 709, third reading copy, be further amended as follows:

1. Page 2, line 8.
Following: "(3)"
Insert: "(a)"
Following: "MEANS"
Insert: ": (i)"

2. Page 2, line 11.
Following: "JURISDICTION" and the inserted material from the Senate Taxation Standing Committee Report, dated 3/30/87, amendment #7
Insert: "; or

(ii) has changed ownership due to a foreclosure or bankruptcy proceeding"
Following: ":"
Insert: "(b)"

Amendment failed as follows:

Ayes: Aklestad, Anderson, Bishop, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Severson, Smith, Story, Thayer, Tveit, Weeding.
Total 24

Noes: Abrams, Beck, Blaylock, Boylan, Brown, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 25

Excused: None.

Total 0

Absent or not voting: Bengtson.
Total 1

Senator Halligan's motion that HB 709, as amended, be concurred in carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 751 - Senator Eck moved that HB 751 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 791 - Senator Van Valkenburg moved that HB 791, third reading copy, be amended as follows:

1. Page 4, line 18.
Following: "federal"
Insert: "fines or"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved that HB 791, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 16 - Senator Pinsoneault moved that consideration on HJR 16 be passed. Motion carried.

SB 241 - Senator Keating moved that House amendments to SB 241 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 359 - Senator Haffey moved, without objection, that the Senate reconsider its action in passing consideration for the day on SB 359.

Senator Haffey moved that House amendments to SB 359 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

At the request of Senator Galt, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Galt moved that the President be authorized to appoint a Free Conference Committee on SB 286. Motion carried.

The President appointed the following members:

Senator Galt, Chairman
Senator Halligan
Senator Bengtson

Senator Boylan moved that the Conference Committee on HB 206 be dissolved. Motion carried.

Senator Boylan moved that the President appoint a Free Conference Committee and that the House appoint a like committee on HB 206.

Senator Lynch moved the previous question. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Williams.
Total 2

Senator's Boylan's motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Neuman,

Pinsoneault, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 35

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Hager, Harding, Himsl, Lybeck, Mazurek, Rasmussen, Regan, Van Valkenburg, Weeding, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 49, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 102, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Himsl.
Total 1

SB 181, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 213, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 320, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 369, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 14 passed as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, ~~Galt,~~ Haffey, Halligan, ~~Hammond,~~ Harding, Himsl, Hofman, Jacobson, Keating, ~~Kolstad,~~ Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Walker, Williams, Mr. President.
Total ~~33~~ 30

Noes: Abrams, Beck, Boylan, Galt, Hager, Hammond, Hirsch, Jergeson, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Smith, Story, Tveit, Vaughn, Weeding, Yellowtail.
Total ~~17~~ 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 6 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 29 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senators Hammond, Galt, and Kolstad moved that their votes on SJR 14 be changed from yes to no. Motion carried.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/2/87
Signed by the President at 3:00 p.m., 4/2/87:

SB 29	SB 69	SB 77	SB 235
SB 250	SB 253	SB 257	SB 279
SB 289	SB 300	SB 302	SB 362
SB 370			

Report adopted.

RULES (Van Valkenburg, Chairman) 4/2/87
SB 103 - Recommends that the Governor's amendments to SB 103 are properly within the subject of the bill. Report adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Beck, Crippen, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Van Valkenburg moved that the Governor's amendments to SB 103 be placed on second reading on the 75th legislative day, 4/4/87. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 890, introduced by Hannah, D. Brown, Miller, J. Brown, Roth, Pistoria, Rehberg, Kitselman, Sands, Patterson, Donaldson, Poulsen, Simon, Strizich, Pavlovich, Quilici, Glaser, Nisbet, Iverson, Driscoll, Harrington, Winslow, Harp, Mercer, Ramirez. Referred to Committee on Judiciary.

HB 896, introduced by Mercer, Harper, Phillips, Schye, Stang, Roth, Devlin, Hanson, Eudaily, Swysgood, Poff, Corne', Nelson, Giacometto, Hammond, Spaeth, Cobb, Meyers, Lory, Addy, Darko, Rapp-Svrcek, D. Brown, Grady, C. Smith, Keller, Miles, Strizich, Daily, Bulger, Jones, Rehberg, Peterson, Wallin, Menke, Switzer, Brandewie. Referred to Committee on Highways and Transportation.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 2:00 p.m., April 3, 1987.

Motion carried.

Senate adjourned at 6:34 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

Absent or not voting: [illegible]
Total 0

[illegible] Galt, and Nelstad

[illegible] amendment [illegible] Motion carried.

[illegible] reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL ([illegible], Chairman)
Signed by the President of the Senate at [illegible] p.m. 4/2/87:

SB [illegible]	SB [illegible]	SB 97
SB 126	SB 155	SB [illegible]
SB 280	SB 300	SB 302
SB 370		

Report adopted.

RULES (Van Valkenburg, Chairman)
SB 193 — Recommends that the Governor's amendments to SB [illegible] properly within the subject of the bill. Report adopted as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, [illegible] Eck, Farrell, Haffey, Halligan, Hazel, Hirsch, Jacobsen, Jergeson, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, [illegible] Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, [illegible] Williams, Yellowtail, Mr. President
Total 33

Noes: Aklestad, Beck, Crippen, Gage, Galt, Hager, Hammond, Harding, [illegible], Keating, Nelstad, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Van Valkenburg moved that the Governor's amendments to SB 193 be placed on second reading on the [illegible] legislative day. Motion carried.

SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana
April 3, 1987

Senate Chambers
State Capitol

Senate convened at 2:06 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-third legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

President Norman announced the Senate has been asked to share in a very special occasion for the family of Senator R. J. 'Dick' Pinsoneault - the administering of the oath of enlistment of his son, Michael Jon Pinsoneault.

President Norman recapped young Pinsoneault's academic accomplishments and stated that Mike has been accepted into the Naval Officer's Candidate School in Newport, Rhode Island. Upon completion of this school he will be commissioned an Ensign in the U.S. Naval Reserve; and, after additional training will be designated a civil engineer and will be assigned 2 years active fleet duty.

President Norman asked the Sergeant-at-Arms to escort Michael Jon Pinsoneault, Adjutant General James W. Duffy, Mrs. Mary Pinsoneault, and Major Ken Cottrill to the well of the Senate where Adjutant General Duffy administered the Oath of Enlistment.

After the swearing in ceremony Mike thanked the Senate and his parents and asked everyone to join him in a reception in the Senate Judiciary Committee room.

Senator Pinsoneault, a retired Navy Commander Judge Advocate, ended the ceremony by presenting his own naval ceremonial sword to his son, Mike.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 2:15 p.m.

Senate reconvened at 2:49 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/3/87

Examined by the sponsors and found to be correct:

SB 96	Rasmussen
SB 113	Gage
SB 134	Beck
SB 151	Galt
SB 152	Walker
SB 175	Halligan
SB 229	Mazurek
SB 373	Blaylock
SR 3	Haffey

Signed by the President at 5:00 p.m., 4/2/87:

HB 146	HB 200	HB 259	HB 353
HB 367	HB 428	HB 455	HB 480
HB 488	HB 571	HB 674	HB 725
HB 777	HB 803	HB 818	

Signed by the President at 3:15 p.m., 4/3/87:

SB 96	SB 113	SB 134	SB 151
SB 152	SB 175	SB 229	SB 373
SR 3			

Delivered to the Governor at 5:54 p.m., 4/2/87:

SB 29	SB 69	SB 77	SB 235
SB 250	SB 253	SB 257	SB 279
SB 289	SB 300	SB 302	SB 362
SB 370			

Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 4/2/87

HB 7, be concurred in. Report adopted.

HB 621, third reading copy, be amended as follows:

1. Page 3, line 14.
Strike: "$1,550,000"
Insert: "$1,650,000"

2. Page 3, line 17.
Strike: "$950,000"
Insert: "$850,000"

3. Page 7, line 25.
Strike: "$1,900,000"
Insert: "$1,985,000"

4. Page 9.
Following: line 12
Insert: "NEW SECTION. Section 10. Appropriation. There is appropriated from the stripper well payment, contained in the federal special revenue fund to the department of commerce, $65,000 for repair of the roof at West Yellowstone airport. The department of commerce is directed to take the steps necessary to transfer ownership of the West Yellowstone airport to the city of West Yellowstone or another local public authority willing to own and operate the airport. If no public entity is willing to take over the airport, the department shall present a plan to the 51st legislature to close the airport."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 795, be concurred in. Report adopted. 4/3/87

HB 868, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 210
Report No. 1, April 2, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 210 met and considered:

House Bill No. 210

We recommend as follows:

That House Bill No. 210, reference copy, be amended as follows:

1. Page 1, line 20.
Strike: "ARRANGE TO"

2. Page 1, line 21.
Following: "~~ARRANGE TO~~"
Insert: "arrange to"

And that this Free Conference Committee Report be adopted:

For the Senate:	For the House:
Smith, Chairman	Swysgood, Chairman
Severson	Grady
Jergeson	DeMars

MOTIONS

Senator Hager moved that the Governor's amendments to SB 103 be taken from second reading on the 75th legislative day and placed on second reading on the 76th legislative day, 4/6/87. Motion carried.

Senator Brown moved, without objection, that consideration on House amendments to SB 51 be passed.

Senator Van Valkenburg moved that HB 434 be placed at the top of the board on second reading this day. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 38, introduced by Pavlovich. Referred to Committee on Finance and Claims.

HB 275, introduced by Rapp-Svrcek, Neuman (By Request of the Joint Interim Subcommittee on Agriculture Problems). Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 581, introduced by McCormick, Manning, Walker, Nisbet, Pistoria. Referred to Committee on Rules.

HB 593, introduced by J. Brown, C. Smith, Rasmussen, Farrell, Grady, Fritz, Boylan, D. Brown. Referred to Committee on Finance and Claims.

HB 599, introduced by Mercer, Brandewie, Connelly, Harding, Meyers. Referred to Committee on Finance and Claims.

HB 754, introduced by Bradley, Iverson, Spaeth (By Request of the Water Policy Committee). Referred to Committee on Judiciary.

HB 787, introduced by Addy, Regan. Referred to Committee on Finance and Claims.

HB 849, introduced by Quilici, Harp, Daily, Menahan (By Request of the Lieutenant Governor's Office). Referred to Committee on Business and Industry.

HB 854, introduced by Vincent. Referred to Committee on Finance and Claims.

HB 855, introduced by Vincent. Referred to Committee on Finance and Claims.

HB 861, introduced by Nathe, Halligan, Stimatz, Menahan, Raney, Walker, Cohen, Jones, Corne', Pinsoneault, Stang, Lynch, Manning, Lybeck, Weeding, Anderson, Peck, Gould, Yellowtail, McCormick, Koehnke, E. Smith, DeMars, Quilici, Pavlovich, Bachini, Connelly, Driscoll, Harrington, D. Brown, Lory, Van Valkenburg, Jacobson, Mazurek, Addy, Ream, Squires, Vincent, Daily, Pistoria, Haffey,

Russell, Strizich, O'Connell, B. Brown, Eck, Meyer, Fritz, Keenan, Cody, Whalen, Iverson, Nisbet, Darko, Poff, Rapp-Svrcek, Phillips, Schye, Blaylock, Jergeson, Spaeth, C. Smith. Referred to Committee on Judiciary.

HB 862, introduced by Winslow, Vincent, Campbell, Cobb, Bradley, Hannah, Ramirez, Mercer, Marks, Harp, Fritz, Brandewie, Iverson, D. Brown, Miller. Referred to Committee on Business and Industry.

HB 867, introduced by Vincent, Gould. Referred to Committee on Finance and Claims.

HB 870, introduced by Harper, Stratford, Hirsch, Bulger, Miller, Devlin, Donaldson, Rasmussen, Meyer, J. Brown, Pistoria, Grady, Nisbet, O'Connell, McCormick, Phillips, Vincent, Keenan, Miles. Referred to Committee on Finance and Claims.

HB 871, introduced by Miller, McCormick, O'Connell, Phillips, Nisbet, Strizich, Schye, Bulger, Harper. Referred to Committee on Finance and Claims.

HB 878, introduced by Addy. Referred to Committee on Public Health, Welfare, and Safety.

HB 884, introduced by C. Smith, Darko, B. Williams, Connelly, Thayer, Jones, McCallum, Driscoll, Stang, Cohen, Ream, Poulsen, Peterson, Blaylock, Van Valkenburg, Squires, Rapp-Svrcek, Hansen, Harrington, Quilici, McCormick, Harp. Referred to Committee on Labor and Employment Relations.

HB 886, introduced by Winslow, Bradley, Switzer (By Request of the House Appropriations Committee). Referred to Committee on Rules.

HB 887, introduced by Asay, Kolstad, Tveit, Blaylock, Gilbert, Devlin, Cody, Russell, Weeding, Boylan, Neuman, Darko, Hofman, McLane, Meyer, E. Smith, Rapp-Svrcek, Nathe, Stratford, Hirsch, Schye, Manuel, DeMars, Bradley. Referred to Committee on Agriculture, Livestock, and Irrigation.

HB 894, introduced by Thoft, Haffey, Farrell, Pavlovich, Darko, Swysgood, Anderson, Hoffman, Campbell, D. Brown, Eudaily, Daily, Menahan, Quilici, Harp, Harrington, Keenan, Beck (By Request of the Joint Interim Subcommittee of the Law Enforcement Academy). Referred to Committee on State Administration.

HB 895, introduced by Poulsen, Miller, Phillips, Walker, Neuman, Thayer, Bulger, Strizich, Nisbet, Manuel, Koehnke, Pistoria, Switzer, McCormick, O'Connell, Cobb, Manning, Galt, Meyer, Kolstad, Keating. Referred to Committee on State Administration.

HB 901, introduced by Rehberg (By Request of the House Appropriations Committee). Referred to Committee on Finance and Claims.

HB 903, introduced by Grinde, B. Williams. Referred to Committee on State Administration.

HB 904, introduced by Harp, Donaldson, Miller, Winslow. Referred to Committee on Taxation.

HB 905, introduced by Winslow, Cobb. Referred to Committee on Business and Industry.

HB 906, introduced by Ramirez, Fritz. Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blaylock in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 434 - Senator Jacobson moved that HB 434, third reading copy, be amended as follows:

1. Finance and Claims Standing Committee Report, dated 3/30/87.
Following: "account." in section 5(2)
Insert: "If section 6 is void, this subsection (2) is void."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Beck moved that HB 434, third reading copy, be further amended as follows:

1. Finance and Claims Standing Committee Report, dated 3/30/87.
Page 2, section C.
Following: "C. NATURAL RESOURCES"
Insert: "DEPARTMENT OF AGRICULTURE

Environmental Management Division	1987	1,208	Other Special
Weed Management	1987	3,584	Other Special"

2. Page 3.
Strike: "575,122" in STATEWIDE TOTAL, Other Special Revenue
Insert: "579,914"
Strike: "$48,849,196" in Total
Insert: "$48,853,988"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that HB 434, third reading copy, be further amended as follows:

1. Senate Finance and Claims Standing Committee Report, dated 3/30/87.
Page 2, section B.
Following:
"MSU - Fee Waiver 1987 207,657 General Fund"
Insert:
"MONTANA ARTS COUNCIL 1987 10,800 Federal Special"

2. Page 3.
Strike: "21,579,284" in STATEWIDE TOTAL, Federal Special Revenue
Insert: "21,590,084"
Strike: "$48,849,196" in Total
Insert: "$48,859,996"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jacobson moved that HB 434, as amended, be concurred in. Senator Keating made a substitute motion that HB 434, third reading copy, be further amended as follows:

1. Title, line 7.
Strike: "$35"
Insert: "$13"

2. Title, line 8.
Following: "ACCOUNT"
Insert: "AND $13 MILLION FROM THE PARKS ACQUISITION AND CULTURAL AND AESTHETICS TRUST FUND"

3. Senate Finance and Claims Committee Report, dated 3/30/87.
Strike: amendment #1 in its entirety

4. Senate Finance and Claims Committee Report, dated 3/30/87.
Page 3, section 5(1).
Following: "transferred"
Strike: "$35"
Insert: "$13"
Following: "15-35-108(3)(b)"
Insert: "and $13 million from the parks acquisition and cultural and aesthetics trust fund account funded by 15-35-108(3)(f)"

5. Senate Finance and Claims Committee Report, dated 3/30/87.
Page 3.
Strike: section 6 in its entirety
Renumber: subsequent section

Senator Regan made a substitute motion that Senator Keating's amendment be segregated. Motion passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Blaylock, Jacobson, Lynch, Smith.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Keating moved that amendments #3 and #5 be concurred in. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Brown, Eck, Farrell, Galt, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Thayer, Tveit, Weeding, Williams, Yellowtail.
Total 30

Noes: Abrams, Bengtson, Bishop, Blaylock, Crippen, Gage, Haffey, Hager, Halligan, Hammond, Jacobson, Jergeson, Lynch, Rasmussen, Stimatz, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

Senator Keating moved that amendments #1, #2, and #4 be concurred in. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, Lynch, McCallum, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 21

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McLane, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senator Smith moved that HB 434, third reading copy, be further amended as follows:

1. Finance and Claims Standing Committee Report, dated 3/30/87.
Page 2, section D.
Following: "Workers' Compensation 1987"
Strike: "1,974,297"
Insert: "2,110,265"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jacobson moved that HB 434, third reading copy, be further amended as follows:

1. Finance and Claims Standing Committee Report, dated 3/30/87.
Page 3, section 5, line 1.
Strike: "— reversion"
Strike: "(1)"

2. Finance and Claims Standing Committee Report, dated 3/30/87.
Page 3, section 5.
Strike: subsection (2) in its entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Crippen.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jacobson's motion that HB 434, as amended, be concurred in carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Beck, Boylan, Crippen, Gage, Galt, Hager, Hammond, Hofman, Kolstad, McCallum, Meyer, Severson, Smith, Story, Thayer, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 122 - Senator Crippen moved that House amendments to SB 122 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 161 - Senator Mazurek moved that House amendments to SB 161 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 170 - Senator Rasmussen moved that House amendments to SB 170 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 - Senator Tveit moved that House amendments to SB 184 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 187 - Senator Farrell moved that House amendments to SB 187 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Crippen.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 210 - Senator Keating moved that House amendments to SB 210 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 219 - Senator Meyer moved that House amendments to SB 219 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 226 - Senator Halligan moved that House amendments to SB 226 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 246 - Senator Bengtson moved that House amendments to SB 246 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 261 - Senator Brown moved that House amendments to SB 261 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 275 - Senator Jergeson moved that House amendments to SB 275 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 295 - Senator Meyer moved that House amendments to SB 295 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 303 - Senator Halligan moved that House amendments to SB 303 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 321 - Senator Jergeson moved that House amendments to SB 321 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 331 - Senator Smith moved that House amendments to SB 331 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 338 - Senator Boylan moved that House amendments to SB 338 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 341 - Senator Keating moved that House amendments to SB 341 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 360 - Senator Bishop moved that House amendments to SB 360 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 371 - Senator Regan moved that House amendments to SB 371 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 380 - Senator Pinsoneault moved that House amendments to SB 380 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 16 - Senator Pinsoneault moved that HJR 16, third reading copy, be amended as follows:

1. Page 2.

Following: line 3
Insert: "WHEREAS, the Legislative Finance Committee formed a subcommittee with the objectives of reviewing the definition of basic education and determining the cost of basic education in Montana;"

2. Page 2, line 8.
Following: "standards"
Insert: "and,"

3. Page 2, line 9.
Following: "data"
Insert: ", determined the state is paying for the cost of the accreditation standards in a manner not related to the ability or willingness of the school district to supplement the state support"

4. Page 2, line 10.
Strike: "during the subcommittee study it became apparent that there is a need to"
Insert: "the subcommittee determined there is a need to continually"

5. Page 2, line 12.
Strike: "better"
Insert: "further"

6. Page 2, line 13.
Strike: "receive"
Insert: "review"

7. Page 2, line 14.
Strike: "accurate"

8. Page 3, line 16.
Following: "Committee"
Insert: "further"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Pinsoneault moved that HJR 16, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Blaylock moved the adoption of the committee report. Report adopted.

At the request of Senator Keating, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Aklestad excused at this time.

Senator Keating moved that the Senate reconsider its previous action on HB 709. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Weeding.
Total 28

Noes: Blaylock, Boylan, Brown, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 22

Paired: Aklestad, Aye; Van Valkenburg, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Keating moved that HB 709 be placed on second reading on the 76th legislative day, 4/6/87. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 111, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, ~~Hammond,~~ Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~44~~ 43

Noes: Bengtson, Boylan, Hammond, Hirsch, Smith, Stimatz.
Total ~~5~~ 6

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 139, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: Lynch.
Total 1

SB 160, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: Blaylock.
Total 1

SB 189, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.

Total 1

Absent or not voting: None.
Total 0

SB 212, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 241, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 315, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Lynch, Manning, Stimatz, Walker.
Total 4

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 329, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, ~~Hammond,~~ Harding, Himsl, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total ~~42~~ 41

Noes: Boylan, Galt, Hammond, Hirsch, Hofman, Kolstad, Smith, Tveit.
Total ~~7~~ 8

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 344, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 353, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 359, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 361, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 375, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 385, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 374, Governor's amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

HB 617 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Story.
Total 1

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

HB 700 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Brown, Gage, Himsl, Hofman, Keating, Smith, Story, Tveit.
Total 9

Paired: Van Valkenburg, Aye; Aklestad, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 705 not concurred in as follows:

Ayes: Abrams, Blaylock, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Story, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 21

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, Lybeck, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn.
Total 29

Paired: Van Valkenburg, Aye; Aklestad, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 751 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

HB 791 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: Severson.

Total 1

Senator Hammond moved that his votes on House amendments to SB 111 and House amendments to SB 329 be changed from yes to no. Motion carried.

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee on House amendments to SB 298. Motion carried.

The President appointed the following members:

Senator Neuman, Chairman
Senator Williams
Senator Farrell

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee on House amendments to SB 363. Motion carried.

The President appointed the following members:

Senator Jacobson, Chairman
Senator Halligan
Senator Bishop

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., April 4, 1987.

Motion carried.

Senate adjourned at 6:41 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana
April 4, 1987

Senate Chambers
State Capitol

Senate convened at 9:08 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Aklestad, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-fourth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Smith, Chairman) 4/3/87

HB 526, third reading copy, be amended as follows:

1. Title, line 11.
Following: "THROUGH"
Insert: "NONRESIDENT"

2. Title, line 13.
Strike: "87-2-401 THROUGH"

3. Title, line 14.
Strike: "87-2-501," and "87-2-508,"

4. Title, line 15.
Strike: "87-2-708,"

5. Page 4, line 11 through line 5, page 5.
Strike: subsections (a), (b), (d), (f), (h), (j), (l), (n), (p), (q), and (s) in their entirety
Renumber: remaining subsections

6. Page 4, line 13.
Strike: "$50"
Insert: "$150"

7. Page 5, line 5.
Strike: "$5"
Insert: "$14"

8. Page 5, line 19 through line 9, page 6.
Strike: sections 3 and 4 in their entirety
Renumber: subsequent sections

9. Page 7, line 3 through line 9, page 8.
Strike: section 6 in its entirety
Renumber: subsequent sections

10. Page 9, line 12.
Strike: "$400"
Insert: "$500"

11. Page 10, lines 10 through 22.
Strike: section 10 in its entirety
Renumber: subsequent sections

12. Page 11, line 6.

Strike: "$55"
Insert: "$50"

13. Page 11, line 7.
Strike: "$55"
Insert: "$50"

14. Page 11, line 9.
Strike: "$53"
Insert: "$50"

15. Page 11, line 11.
Strike: "$9"
Insert: "$6"

16. Page 11, line 22 through line 6, page 12.
Strike: section 12 in its entirety
Renumber: subsequent sections

17. Page 12, line 11.
Strike: "$41"
Insert: "$50"

18. Page 13.
Following: line 1
Insert: "NEW SECTION. Section 11. Coordination instruction. (1) If Senate Bill No. 331 is passed and approved:

(a) any reference in Senate Bill No. 331 to a fee increase in the Class B-10 nonresident combination license in 87-2-505 or in the Class AAA sportsman's license in 87-2-711 may not be considered as fee increases in addition to the fee increase for those licenses; and

(b) any dedication of a portion of the Class B-10 nonresident combination and Class AAA sportsman's license fees in section 1 of Senate Bill No. 331 must be deducted from the amount of such fees dedicated in section 2 of this act.

(2) If House Bill No. 535 and the provision therein creating a Class B-11 license is passed and approved:

(a) the fee established in House Bill No. 535 for the Class B-11 license is increased to $275; and

(b) a new subsection is added to section 2 of this act that reads: "Class B-11 nonresident deer combination, $275.""

And, as amended, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 4/4/87

Recommend that at the end of business April 4, 1987, employment of the following be terminated:

Christine Jacobsen ..... Page
Pat Baumgardner ..... Page
Jon Bengochea ..... Page
Robin Spaulding ..... Page
Mark Goldhahn ..... Page
Jeff Manson ..... Page
Nancy Coffman ..... Page
Staci Neuman ..... Page
Kristin Mattocks ..... Page

Report adopted.

TAXATION (McCallum, Chairman) 4/3/87

HB 157, third reading copy, be amended as follows:

1. Page 5, lines 2 and 3.
Following: "ACT" on line 2
Strike: "IS VOID"
Insert: "terminates January 1, 1988"

And, as amended, be concurred in. Report adopted.

HB 813, third reading copy, be amended as follows:

1. Page 2, line 24.
Strike: "$20"
Insert: "$25"
Strike: "$12"
Insert: "$15"

And, as amended, be concurred in. Report adopted.

HB 851, be concurred in. Report adopted.
HB 876, be concurred in. Report adopted.

Adverse Committee Report

FINANCE AND CLAIMS (Regan, Chairman) 4/3/87

HB 185, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Anderson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Halligan, Harding, Himsl, Hirsch, Keating, Lybeck, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Tveit, Williams, Mr. President.
Total 25

Noes: Abrams, Beck, Bengtson, Blaylock, Eck, Haffey, Hager, Hammond, Hofman, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McLane, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 23

Excused: Aklestad.
Total 1

Absent or not voting: Brown.
Total 1

MOTIONS

Senator Brown moved that consideration on House amendments to SB 51 be passed. Motion carried.

Senator Van Valkenburg moved that HB 327 be taken from second reading this day and placed on second reading on the 78th legislative day, 4/8/87. Motion carried.

Senator Jacobson moved that the Senate reconsider its action on the Adverse Committee Report on HB 185. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 41

Noes: Boylan, Galt, Harding, Himsl, Hofman, Rasmussen, Regan, Story.
Total 8

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 142 - Senator Weeding moved that House amendments to SB 142 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

HB 372 - Senator McLane moved that HB 372 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

HB 586 - Senator Williams moved that HB 586 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

HB 852 - Senator Himsl moved that HB 852 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

HB 210 - Senator Smith moved that the Free Conference Committee Report on HB 210 be adopted. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

HJR 42 - Senator Williams moved that HJR 42 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 122, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 161, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Boylan, Hofman.
Total 2

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 170, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 184, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 187, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Story, Tveit, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Blaylock, Crippen, Jacobson, Jergeson, Lynch, Manning, Rasmussen, Stimatz, Thayer, Van Valkenburg, Walker.
Total 11

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 226, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 246, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Smith, Thayer.
Total 2

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 261, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 275, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 295, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 303, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: McCallum.
Total 1

SB 321, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hofman.
Total 1

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 338, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 341, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

SB 380, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Aklestad.

Total 1

Absent or not voting: None.
Total 0

HB 434 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Boylan, Crippen, Gage, Galt, Hager, Hammond, Hofman, Keating, McLane, Meyer, Smith, Story, Thayer, Tveit.
Total 15

Paired: Farrell, Aye; Aklestad, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 16 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Boylan, Galt, Himsl, Hirsch.
Total 4

Excused: Aklestad.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Regan, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Regan moved that HB 862 be taken from the Committee on Business and Industry and rereferred to the Committee on Finance and Claims. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., April 6, 1987.

Motion carried.

Senate adjourned at 9:52 a.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
April 6, 1987

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventh-fifth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/6/87

Correctly enrolled:

SB 49	SB 102	SB 139	SB 160
SB 161	SB 181	SB 213	SB 320
SB 359	SB 361	SB 369	SB 375
SB 385	SJR 15		

Examined by the sponsors and found to be correct:

SB 49	Thayer
SB 102	Story
SB 139	Smith
SB 160	Mazurek
SB 161	Mazurek
SB 181	Van Valkenburg
SB 213	Mazurek
SB 320	Brown
SB 359	Haffey
SB 361	Halligan
SB 369	Tveit
SB 375	Bishop
SB 385	Weeding
SJR 15	Hammond

Signed by the President at 10:00 a.m., 4/4/87:

HB 47	HB 385	HB 457	HB 465
HB 482	HB 491	HB 519	HB 590
HB 598	HB 614	HB 619	HB 623
HB 647	HB 690	HB 708	HB 720
HB 730	HB 737	HB 760	HB 819
HJR 6	HJR 24	HJR 26	HJR 32
HJR 34	HJR 39	HJR 40	

Signed by the President at 10:30 a.m., 4/6/87:

HB 222	HB 453	HB 512	HB 523
HB 535	HB 607	HB 658	HB 794
HB 825	HJR 43		

Signed by the President at 10:50 a.m., 4/6/87:

SB 161

Signed by the President at 3:50 p.m., 4/6/87:

SB 49	SB 102	SB 160	SB 181
SB 213	SB 359	SB 361	SB 369
SB 375			

Signed by the President at 4:50 p.m., 4/6/87:

SB 139	SB 320	SB 385	SJR 15

Delivered to the Governor at 9:30 a.m., 4/4/87:

SB 96 SB 113 SB 134 SB 151
SB 152 SB 175 SB 229 SB 373

Delivered to the Governor at 2:11 p.m., 4/6/87:
SB 161

Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 4/4/87
HB 20, be concurred in. Report adopted.
HB 373, be concurred in. Report adopted.
HB 460, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 4/6/87
HB 896, third reading copy, be amended as follows:

1. Title, line 9.
Strike: "A CONTINGENT"
Insert: "AN IMMEDIATE"

2. Title, line 12.
Strike: "A CONTINGENT"
Insert: "AN IMMEDIATE"

3. Page 2, lines 6 through 13.
Following: "effective" on line 6
Strike: remainder of line 6 through "allowed" on line 13
Insert: "on passage and approval"

And, as amended, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 4/6/87
Recommend that at the beginning of business April 6, 1987, the following be employed:

Dawn Conklin ..... Page
Sandra Poston ..... Page
Beth Field ..... Page
Erika Swanson ..... Page
Scott Christiansen ..... Page
Mark Murphy ..... Page
Diana Loftus ..... Page
Michael Prather ..... Page

Report adopted.

TAXATION (McCallum, Chairman) 4/6/87
HB 714, be concurred in. Report adopted.
HB 716, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 471
Report No. 1, March 27, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 471, met and considered:

Senate Committee on Public Health, Welfare, and Safety amendments, March 11, 1987

Senate Committee of the Whole amendment, March 13, 1987

We recommend as follows:

That House Bill No. 471, reference copy, have the following statement of intent attached:

Statement of Intent
HB 471

A statement of intent is required for this bill because section 10 requires the board of medical examiners to adopt rules that set professional, practice, and ethical standards for licensed nutritionists and such other rules as may be necessary for the administration of this act.

The legislature intends that the board adopt rules to protect the public health, safety, and welfare by regulating nutritional assessment and counseling and by protecting the title of nutritionist.

The legislature further intends to provide recourse in cases of misrepresentation or clear and direct harm in nutritional practice, recognizing as well that the public's constitutional freedoms and right to the pursuit of health must not be limited without good cause.

The legislature does not intend to prevent the sale of nutritional products, nor to prevent the exercise of responsible salesmanship in judging customers' needs and recommending products.

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Eck, Chairman	Darko, Chairman
McLane	Kitselman
Keating	Simon

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

SJR 15, introduced by Hammond.

MOTIONS

Senator Van Valkenburg moved that the Governor's amendments to SB 103 be taken from second reading and rereferred to the Committee on Rules. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Jergeson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 51 - Senator Brown moved that House amendments to SB 51 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams.
Total 39

Noes: Blaylock, Haffey, Jergeson, Lynch, Manning, Neuman, Regan, Stimatz, Van Valkenburg, Yellowtail, Mr. President.

Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 118 - Senator Halligan moved that the Governor's amendments to SB 118 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 7 - Senator Aklestad moved that HB 7 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Farrell, Hammond, Hofman, Keating.
Total 4

Excused: None.
Total 0

Absent or not voting: Beck, Hager.
Total 2

HB 157 - Senator Lybeck moved that HB 157 be concurred in. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Vaughn, Walker, Williams, Mr. President.
Total 37

Noes: Abrams, Aklestad, Blaylock, Hammond, Hofman, Keating, Neuman, Smith, Van Valkenburg, Weeding, Yellowtail.
Total 11

Excused: None.

Total 0

Absent or not voting: Hager, Tveit.
Total 2

HB 621 - Senator Walker moved that HB 621 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 709 - Senator Halligan moved that HB 709 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 795 - Senator Hirsch moved that HB 795 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 813 - Senator Brown moved that HB 813 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Bengtson, Hammond, Hofman, Neuman, Smith, Thayer, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: Boylan, Galt, Hager, Halligan, Kolstad, McCallum, Severson.
Total 7

HB 851 - Senator Brown moved that HB 851 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Jacobson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 39

Noes: Blaylock, Gage, Hirsch, Hofman, Jergeson, Keating, Regan, Williams, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: Boylan, Hager.
Total 2

HB 868 - Senator Smith moved that HB 868 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 876 - Senator Eck moved that HB 876 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Blaylock, Neuman, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Jergeson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 142, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Bishop, Hirsch, Hofman.
Total 3

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

HB 372 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Jergeson.
Total 1

Excused: None.

Total 0

Absent or not voting: Hager.
Total 1

HB 586 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

HB 852 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Neuman.
Total 1

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

HB 210, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Hirsch, Pinsoneault.
Total 2

Excused: None.
Total 0

Absent or not voting: Hager, Himsl.
Total 2

HJR 42 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Himsl, Hofman, Jacobson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 38

Noes: Aklestad, Blaylock, Hammond, Hirsch, Jergeson, Keating, McCallum, Story, Thayer, Tveit, Yellowtail.
Total 11

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 219. Motion carried.

The President appointed the following members:

Senator Meyer, Chairman
Senator Smith
Senator Jergeson

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 371. Motion carried.

The President appointed the following members:

Senator Regan, Chairman
Senator Bengtson
Senator Harding

Senator Haffey moved that the following House bills be taken from the Committee on State Administration and rereferred to the Senate Committee on Long Range Planning for their report directly to the Senate: HB 894, HB 895, HB 903. Motion carried.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., April 7, 1987.

Motion carried.

Senate adjourned at 5:51 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
April 7, 1987

Senate Chambers
State Capitol

Senate convened at 3:03 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-sixth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/7/87

Correctly enrolled:

SB 111	SB 212	SB 353

Examined by the sponsors and found to be correct:

SB 111	Halligan
SB 212	Farrell
SB 353	Meyer

Signed by the President at 2:10 p.m., 4/7/87:

SB 111	SB 212	SB 353

Delivered to the Governor at 8:08 a.m., 4/7/87:

SB 49	SB 102	SB 139	SB 160
SB 181	SB 213	SB 320	SB 359
SB 361	SB 369	SB 375	SB 385

Delivered to the Secretary of State at 8:10 a.m., 4/7/87:

SJR 15

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 4/6/87

HB 275, third reading copy, be amended as follows:

1. Page 1, line 21.
Following: "in"
Strike: remainder of line 21 through "total" on line 22
Insert: "a manner to be determined by the board"

And, as amended, be concurred in. Report adopted.

HB 887, third reading copy, be amended as follows:

1. Page 8, line 22.
Strike: "(2)"
Insert: "(1)"

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 4/7/87

HB 702, be concurred in. Report adopted.
HB 787, be concurred in. Report adopted.
HB 814, be concurred in. Report adopted.
HB 881, be concurred in. Report adopted.

RULES (Van Valkenburg, Chairman) 4/7/87

SB 103 - Recommends that an amendment may not be offered to a Governor's amendment.

Report adopted.

TAXATION (McCallum, Chairman) 4/6/87

HB 84, third reading copy, be amended as follows:

1. Page 2, line 15.
Strike: "DORMITORY,"

2. Page 5.
Following: line 4
Insert: "(4) Except in the case of a person who, with intent to evade the tax, purposely or knowingly files a false or fraudulent return violating the provisions of [this act], the amount of tax due under any return must be determined by the department within 5 years after the return is made, and the department thereafter is barred from revising any such return or recomputing the tax due thereon, and no proceeding in court for the collection of the tax may be instituted unless notice of any additional tax is provided within such period.

(5) An application for revision may be filed with the department by an owner or operator of a facility within 5 years from the original due date of the return."

3. Page 7, line 4.
Following: "commercials,"
Insert: "to the Montana historical society, and to the university system,"

4. Page 7.
Following: line 4
Insert: "(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program; and

(c) the balance of the proceeds as follows:"

5. Page 7, line 5.
Strike: "(a)"
Insert: "(i)"
Renumber: subsequent subsections
Following: "department"
Insert: "of commerce"

6. Page 7, line 6.
Following: "(1)(c)"
Insert: "(iii)"
Strike: "21.5%"
Insert: "25%"

7. Page 7, lines 18 through 24.
Strike: ";" on line 18 and subsections (d) and (e) through "PROGRAM" on line 24

8. Page 10, line 3.
Following: ";"
Strike: "and"

9. Page 10, line 7.

Following: "bureaus"
Insert: "; (e) direct the university system regarding Montana travel research; and

(f) approve all travel research programs prior to their being undertaken"

10. Page 13, line 23 through line 2, page 14.
Strike: section 14 in its entirety
Renumber: subsequent sections

11. Page 14, line 15.
Following: "applicability"
Insert: "—termination of statutory appropriation"

12. Page 14, line 17.
Strike: "May"
Insert: "July"
Following: "."
Insert: "The statutory appropriation to the department of revenue in section 7 for the costs of collecting and disbursing the proceeds of the tax terminates on June 30, 1989. Effective July 1, 1989, the second and third sentences of section 7 are amended to read: "The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, and to the university system, as follows:""

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable William Norman April 7, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 53, 66, 88, 92, 121, 145, 146, 147, 161, 164, 223, 252, 258, 356, and 357 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable Robert L. Marks April 6, 1987
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable William J. Norman
President of the Senate
State Capitol

Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of Montana, I hereby return House Bill No. 252, "AN ACT LOWERING COAL SEVERANCE TAX RATES: IMPOSING IN 1991 A SLIDING SCALE RATE SCHEDULE FOR SURFACE-MINED SUBBITUMINOUS COAL BASED ON THE AMOUNT OF COAL PURCHASED; REVISING LEGISLATIVE FINDINGS AND DECLARATIONS OF PURPOSE; AMENDING SECTIONS 15-35-101 THROUGH 15-35-104 AND 15-35-202 THROUGH 15-35-204, MCA; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE." without my signature and recommend the attached amendments.

Two years ago, I challenged Montana's coal industry to demonstrate that a lower coal severance tax would be an incentive for increased production and new contracts. The industry met the challenge. Despite a soft coal market, Montana producers secured a major long-term contract and sold over four million additional tons on the spot market. The signers of the long-term contract said the 20% tax rate created by the "window of opportunity" credit made Montana's coal competitive, allowing a Montana producer to compete directly against several Wyoming producers and win a 20-year, multi-million-ton contract.

Based on the success of the 1985 credit, I proposed to the 1987 Legislature a continuation of the "window of opportunity" credit and the phasing down of the tax rate on all Montana coal to 20% by July 1, 1990.

While Montana coal producers agree that the 20% tax rate helped win a contract and increased production during the last two years, they now argue that changes in the energy market—decreased demand for coal and low prices—make a 15% tax rate necessary to keep Montana coal competitive and Montana miners working.

Once again, I say—"prove it." These amendments create a second "window of opportunity"—a renewed challenge to the producers, purchasers, and shippers of Montana coal to demonstrate during the next two years that increased production and jobs will result from a 15% incentive tax rate on additional tons of coal. The Montana Coal Council—which represents all Montana's producing mines and the major buyers of Montana coal—has told the legislature that the 15% rate on additional coal has the potential to bring at least 5.2 million tons of additional production per year, which represents 200 jobs in Montana coal mines and 1,200 additional jobs in related rail and secondary industries.

If the Montana coal industry utilizes the 15% incentive rate to sell more coal than in recent years, we will lower the tax rate for all coal to 25% on July 1, 1988, to 20% on July 1, 1990, and to 15% by July 1, 1991. This challenge is the best guarantee to Montana miners and Montana citizens that the coal industry will translate predictions into reality. If the 15% incentive rate does not create additional tonnage, the scheduled reduction to 25% in FY89 and to 15% in FY 92 would not take place. The 1989 Legislature can re-examine, based on the evidence provided during this second "window of opportunity," the rate at which Montana coal should be taxed in the future.

Some coal miners have argued that a 5% incentive tax rate—or no tax at all—is needed to keep Montana coal competitive. I reject that argument. Montana's coal industry and its customers assure us that a 15% tax rate can produce 5.2 million additional tons and 200 mining jobs. There is no

solid evidence that a still lower tax rate would bring more production or create more jobs, but a "bargain basement" rate would give away badly needed revenue and potentially ignite a no-win "tax war" with Wyoming.

I urge your concurrence on these amendments.

Respectfully,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL NO. 252
(Reference Copy)
April 6, 1987

1. Title, lines 6 through 8.
Following "RATES;" on line 6
Strike: remainder of line 6 through "PURCHASED;" on line 8
Insert: "PROVIDING A CONTINGENT PERMANENT REDUCTION; EXTENDING THE NEW PRODUCTION CREDIT"

2. Title, line 10.
Following: "5-35-104"
Strike: "AND"
Insert: ","
Following: "15-35-202"
Strike: "THROUGH 15-35-204"
Insert: ", AND 15-35-203"

3. Page 3, line 25.
Following: "purchaser"
Insert: ", except as provided in (b),"

4. Page 3, line 25.
Following: "MEANS"
Insert: ": (a)"

5. Page 4, line 2.
Following: line 1
Strike: "(a)"
Insert: "(i)"

6. Page 4, line 5.
Following: line 4
Strike: "(b)"
Insert: "(ii)"

7. Page 4, line 6.
Following: line 5
Strike: "(i)"
Insert: "(A)"

8. Page 4, line 9.
Following: line 8
Strike: "(ii)"
Insert: "(B)"

9. Page 4, line 17.
Following: line 16
Insert: "(b) If the volume calculated in subsection (a)(i) is less than one-third of the volume calculated in subsection (a)(ii), the base consumption level is the volume calculated in (a)(ii)."

10. Page 4, line 18.
Following: line 17
Insert: "Except as provided in (b)"

11. Page 4, line 19.
Following: line 18
Strike: "(a)"
Insert: "(i)"

12. Page 4, line 22.
Following: "line 21"
Strike: "(b)"
Insert: "(ii)"

13. Page 4, line 24.
Following: line 23
Insert: "(b) If the amount calculated in subsection (a)(ii) is less than one-third of the amount calculated in (a)(i), the base consumption level is the amount calculated in subsection (a)(i)"

14. Page 6, lines 13 and 14.
Following: line 12
Strike: subsection (9) in its entirety
Renumber: subsequent subsections

15. Page 7, lines 5 and 6.
Following: line 4
Strike: subsection 14 in its entirety
Renumber: subsequent subsections

16. Page 7, line 18 through page 9, line 19.
Strike: section 3 in its entirety
Insert: "Section 3. Section 15-35-103, MCA, is amended to read:

"15-35-103. Severance tax — rates imposed — exemptions. (1) ~~A~~ Except as provided in subsection (2), a severance tax is imposed on each ton of coal produced in the state in accordance with the following schedule:

(a) Fiscal Year 1988 and 1989:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 20% of value	5 cents or 3% of value
7,000-8,000	22 cents or 30% of value	8 cents or 4% of value
8,000-9,000	34 cents or 30% of value	10 cents or 4% of value
Over 9,000	30% of value	4% of value

(b) Fiscal Year 1990:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 25% of value	8 cents or 4% of value
8,000-9,000	34 cents or 25% of value	10 cents or 4% of value

Over 9,000	40 cents or 25% of value	12 cents or 4% of value

(c) Fiscal Year 1991 and thereafter:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 20% of value	8 cents or 4% of value
8,000-9,000	34 cents or 20% of value	10 cents or 4% of value
Over 9,000	40 cents or 20% of value	12 cents or 4% of value

(2)(a)(i) On or before October 1, 1988, the department shall determine the total number of tons of coal produced in Montana and sold from July 1, 1987 through June 30, 1987. If the department finds that these sales exceed 32.2 million tons (which is the average total yearly coal sales for calendar years 1983, 1984, 1985 and 1986), the rate of the coal severance tax is as set forth in subsections (2)(b) and (2)(c).

(ii) If any facility that burned Montana coal at any time from July 1, 1987 to June 30, 1988 does not operate during a portion of that period due to machanical failure, the department shall determine the average monthly sales of Montana coal to the facility during its operation and multiply this figure by 12. The department shall include the product of this calculation making its determination of coal produced in Montana and sold from July 1, 1987 through June 30, 1988.

(b) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state from July 1, 1988, through June 30, 1990 is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 17% of value	5 cents of 3% of value
7,000-8,000	22 cents or 25% of value	8 cents of 4% of value
Over 9,000	40 cents or 25% of value	12 cents or 4% of value

(c) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state from July 1, 1990 until June 30, 1991 is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 20% of value	8 cents or 4% of value
8,000-9,000	34 cents or 20% of value	10 cents or 4% of value

Over 9,000	40 cents or 20% of value	12 cents or 4% of value

(d) The severance tax imposed pursuant to subsection (2)(a) or each ton of coal produced in the state after June 30, 1991 is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 15% of value	8 cents 4% of value
8,000-9,000	34 cents or 15% of value	10 cents 4% of value
Over 9,000	15% of value	4% of value

(3) "Value" means the contract sales price.

(4) The formula which yields the greater amount of tax in a particular case shall be used at each point on this schedule.

(5) A person is not liable for any severance tax upon 50,000 tons of the coal he produces in a calendar year, except that if he produces more than 50,000 tons of coal in a calendar year, he will be liable for severance tax upon all coal produced in excess of the first 20,000 tons.

(6) A new coal production incentive tax credit may be claimed on certain coal as provided in 15-35-202."

17. Page 9, line 20 through page 10, line 19.
Strike: section 4 in its entirety

18. Page 11, line 15 through page 12, line 9.
Strike: section 6 in its entirety
Insert: "Section 6. Section 15-35-202, MCA, is amended to read:

15-35-202. New coal production incentive tax credit allowed — application limited. (1) A coal mine operator is entitled to a new coal production incentive tax credit ~~of 33% of~~ against the tax imposed under 15-35-103 of:

(a) 33 ⅓% for incremental production sold during calendar years 1985 and 1986;

(b) 50% for incremental production sold from January 1, 1987 until June 30, 1988; and

(c) 40% for incremental production sold from July 1, 1988 until June 30, 1990; provided, however, that if the production quota established in 15-35-103 (2)(a)(i) is not met, the tax credit for this period is 50% for fiscal year 1989 and 40% for fiscal year 1990..

(2) (a) A coal mine operator is entitled to a new coal production incentive tax credit ~~of 33 ⅓%~~ against the tax imposed under 15-35-103 on incremental production for the entire term of an agreement, except as provided in subsection (3) if the incremental production resulted from coal purchases under:

(i) an existing agreement which was extended between January 1, 1985, and ~~June 3, 1987~~ December 31, 1988, for at least a 5 year period; or

(ii) a new agreement that was executed between January 1, 1985, and December 31, 1988.

(b) The rate of credit allowed under (2)(a) is:

(i) 33 ⅓% for incremented production sold from January 1, 1985 until December 31, 1987;

(i) 50% for any incremental production sold from January 1, 1985 until June 30, 1988;

(ii) 40% for any incremental production sold from July 1, 1988 until June 30, 1990. However, established in 15-35-103 (2)(a)(i) is not met, the tax credit for this period is 59%: and

(iii) 25% for any incremental production sold from July 1, 1990 til June 30, 1991.

(iv) 25% after June 30, 1991 if the production quota in 15-35-103(2)(a)(l) has not been met.

(3) No credit may be claimed for coal produced prior to January 1, 1985.

19. Following: line 17.
Insert: (b) distributing the incremental production for each quarter among the quarters in the calendar year in the same proportion as the total volume of coal sold each quarter to each respective purchaser and summing the amounts for all purchasers to determine the purchase incremental production for each quarter.

20. Page 12, line 20.
Following: "purchaser"
Insert: "each quarter"
Renumber subsequent sections

21. Page 12, line 23.
Following: line 22
Strike: "calendar year"
Insert: "quarter"

22. Page 12, line 25.
Following: line 24
Strike: "33 ⅓%"
Insert: "the appropriate percentage on provided in 15-35-202 for each quarter"

23. Page 13, line 2.
Following: "purchasers"
Insert: "for all four quarters of the calendar year"

24. Page 13, lines 8 and 9.
Following: "year." on line 8
Strike: remainder of line 8 through "subsection." on line 9

25. Page 14, line 4.
Strike: section 8 in its entirety
Renumber: subsequent sections

26. Page 16, lines 8 through 11.
Strike: section 10 in its entirety
Insert: "Section 10. Applicatility. This act applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1986."

The Honorable Robert Marks April 6, 1987
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

Proofreading of the amendments to House Bill No. 252 that I sent to you earlier today revealed several typographical errors. The attached amendments have been changed to correct those errors. Please substitute these amendments for those enclosed in my earlier letter.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL NO. 252
(Reference Copy)
April 6, 1987

1. Title, lines 6 through 8.
Following "RATES;" on line 6
Strike: remainder of line 6 through "PURCHASED;" on line 8
Insert: "PROVIDING A CONTINGENT PERMANENT REDUCTION; EXTENDING THE NEW PRODUCTION CREDIT"

2. Title, line 10.
Following: "15-35-104"
Strike: "AND"
Insert: ","
Following: "15-35-202"
Strike: "THROUGH 15-35-204"
Insert: ", AND 15-35-203"

3. Page 3, line 25.
Following: "purchaser"
Insert: ", except as provided in (b),"

4. Page 3, line 25.
Following: "MEANS"
Insert: ": (a)"

5. Page 4, line 2.
Following: line 1
Strike: "(a)"
Insert: "(i)"

6. Page 4, line 5.
Following: line 4
Strike: "(b)"
Insert: "(ii)"

7. Page 4, line 6.
Following: line 5
Strike: "(i)"

Insert: "(A)"

8. Page 4, line 9.
Following: line 8
Strike: "(ii)"
Insert: "(B)"

9. Page 4, line 17.
Following: line 16
Insert: "(b) If the volume calculated in subsection (a)(i) is less than one-third of the volume calculated in subsection (a)(ii), the base consumption level is the volume calculated in (a)(ii)."

10. Page 4, line 18.
Following: line 17
Insert: "except as provided in (b)"
Following: "means"
Insert: "(a)"

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Following: line 18
Strike: "(a)"
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Renumber: subsequent subsections

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Strike: section 3 in its entirety
Insert: "Section 3. Section 15-35-103, MCA, is amended to read:

"15-35-103. Severance tax — rates imposed — exemptions. (1) A Except as provided in subsection (2), a severance tax is imposed on each ton of coal produced in the state in accordance with the following schedule:

(a) Fiscal Year 1988 and 1989:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 20% of value	5 cents or 3% of value
7,000-8,000	22 cents or 30% of value	8 cents or 4% of value

8,000-9,000	34 cents or 30% of value	10 cents or 4% of value
Over 9,000	40 cents or .12 cents or 30% of value	4% of value

(b) Fiscal Year 1990:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 25% of value	8 cents or 4% of value
8,000-9,000	34 cents or 25% of value	10 cents or 4% of value
Over 9,000	40 cents or 25% of value	12 cents or 4% of value

(c) Fiscal Year 1991 and thereafter:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 20% of value	8 cents or 4% of value
8,000-9,000	34 cents or 20% of value	10 cents or 4% of value
Over 9,000	40 cents or 20% of value	12 cents or 4% of value

(2)(a)(i) On or before October 1, 1988, the department shall determine the total number of tons of coal produced in Montana and sold from July 1, 1987 through June 30, 1988. If the department finds that these sales exceed 32.2 million tons (which is the average total yearly coal sales for calendar years 1983, 1984, 1985 and 1986), the rate of the coal severance tax is as set forth in subsections (2)(b) and (2)(c).

(ii) If any facility that burned Montana coal at any time from July 1, 1987 to June 30, 1988 does not operate during a portion of that period due to machanical failure, the department shall determine the average monthly sales of Montana coal to the facility during its operation and multiply this figure by 12. The department shall include the product of this calculation making its determination of coal produced in Montana and sold from July 1, 1987 through June 30, 1988.

(b) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state from July 1, 1988, through June 30, 1990 is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 17% of value	5 cents of 3% of value
7,000-8,000	22 cents or 25% of value	8 cents of 4% of value

Over 9,000	40 cents or 25% of value	12 cents or 4% of value

(c) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state from July 1, 1990 until June 30, 1991 is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 20% of value	8 cents or 4% of value
8,000-9,000	34 cents or 20% of value	10 cents or 4% of value
Over 9,000	40 cents or 20% of value	12 cents or 4% of value

(d) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state after June 30, 1991, is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 15% of value	8 cents 4% of value
8,000-9,000	34 cents or 15% of value	10 cents 4% of value
Over 9,000	15% of value	4% of value

(3) "Value" means the contract sales price.

~~(2)~~(4) The formula which yields the greater amount of tax in a particular case shall be used at each point on this schedule.

~~(3)~~(5) A person is not liable for any severance tax upon 50,000 tons of the coal he produces in a calendar year, except that if he produces more than 50,000 tons of coal in a calendar year, he will be liable for severance tax upon all coal produced in excess of the first 20,000 tons.

~~(4)~~(6) A new coal production incentive tax credit may be claimed on certain coal as provided in 15-35-202."

17. Page 9, line 20 through page 10, line 19.
Strike: section 4 in its entirety
Renumber: subsequent subsections

18. Page 11, line 15 through page 12, line 9.
Strike: section 6 in its entirety
Insert: "Section 6. Section 15-35-202, MCA, is amended to read:

15-35-202. New coal production incentive tax credit allowed — application limited. (1) A coal mine operator is entitled to a new coal production incentive tax credit ~~of 33 ⅓% of~~ against the tax imposed under 15-35-103 of:

(a) 33 ⅓% for incremental production sold during calendar years 1985 and 1986;

(b) 50% for incremental production sold from January 1, 1987 until June 30, 1988; and

(c) 40% for incremental production sold from July 1, 1988 until June 30, 1990; provided, however, that if the production quota established in 15-35-103 (2)(a)(i) is not met, the tax credit for this period is 50% for fiscal year 1989 and 40% for fiscal year 1990.

(2) (a) A coal mine operator is entitled to a new coal production incentive tax credit ~~of 33%~~ against the tax imposed under 15-35-103 on incremental production for the entire term of an agreement, except as provided in subsection (3) if the incremental production resulted from coal purchases under:

(i) an existing agreement which was extended between January 1, 1985, and ~~June 30, 1987~~ December 31, 1988, for at least a 5 year period; or

(ii) a new agreement that was executed between January 1, 1985, and ~~June 30, 1987~~ December 31, 1988.

(b) The rate of credit allowed under (2)(a) is:

(i) 33 ⅓% for incremented production sold from January 1, 1985 until December 31, 1986;

(ii) 50% for any incremental production sold from January 1, 1987 until June 30, 1988;

(iii) 40% for any incremental production sold from July 1, 1988 until June 30, 1990. However, if the production quota established in 15-35-103 (2)(a)(i) is not met, the tax credit for this period is 50% for fiscal year 1989 and 40% for fiscal year 1990; and

(iv) 25% for any incremental production sold from July 1, 1990 til June 30, 1991.

(v) 25% after June 30, 1991 if the production quota in 15-35-103(2)(a)(l) has not been met.

(3) No credit may be claimed for coal produced prior to January 1, 1985.

19. Following: line 17
Insert: (b) distributing the incremental production for each quarter among the quarters in the calendar year in the same proportion as the total volume of coal sold each quarter to each respective purchaser and summing the amounts for all purchasers to determine the purchaser's incremental production for each quarter.
Renumber: subsequent subsections

20. Page 12, line 20.
Following: "purchaser"
Insert: "each quarter"

21. Page 12, line 23.
Following: line 22
Strike: "calendar year"
Insert: "quarter"

22. Page 12, line 25.
Following: line 24
Strike: "33 ⅓%"

Insert: "the appropriate percentage on provided in 15-35-202 for each quarter"

23. Page 13, line 2.
Following: "purchasers"
Insert: "for all four quarters of the calendar year"

24. Page 13, lines 8 and 9.
Following: "year." on line 8
Strike: remainder of line 8 through "subsection." on line 9

25. Page 14, line 4.
Strike: section 8 in its entirety
Renumber: subsequent sections

26. Page 16, lines 8 through 11.
Strike: section 10 in its entirety
Insert: "Section 10. Applicatility. This act applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 1986."

The Honorable Robert Marks April 7, 1987
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 397, "AN ACT TO INCREASE UNDER CERTAIN CONDITIONS THE KILOVOLT THRESHOLD FOR THE PURPOSE OF DEFINING A TRANSMISSION LINE UNDER THE MONTANA MAJOR FACILITY SITING ACT; TO PROVIDE FOR NOTICE TO THE PUBLIC AND TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION; AMENDING SECTION 75-20-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE" without my signature and recommend the attached amendments for the following reasons.

House Bill No. 397 is intended to allow utilities and co-ops to site noncontroversial 100 and 115 kV transmission lines without invoking the public review process required by the Major Facility Siting Act. If a utility can get 75% of the landowners collectively owning more than 75% of the property along the transmission line route to agree to rights-of-way, the facility is exempt from the Siting Act. The bill contains a requirement for notifying affected landowners and the Department of Natural Resources and Conservation (DNRC) prior to acquiring such rights-of-way for a particular line. However, there are no provisions in the bill for the state to verify that a utility or a co-op has achieved the proper level of landowner agreement to exempt a transmission line project from Siting Act review. My sixth amendment provides a mechanism to verify compliance. This amendment also establishes a three year time frame, unless extended by the Board of Natural Resources and Conservation for good cause, for the utility or co-op to secure the necessary landowner consent. Further, this amendment provides in subsection (2) that if the utility or co-op is unsuccessful in timely acquisition of landowner consent, the line and associated

facilities are subject to certification under the Major Facility Siting Act. This provision is intended to prevent a utility or co-op from renoticing the line under Section 2 in order to gain any additional time to secure landowner consent.

My ninth amendment provides protection for landowners that have already gone through the Siting Act process and for which a utility has been issued a certificate for a transmission line or associated facility by the Board of Natural Resources and Conservation. These existing certificates must be honored to protect those parties that have invested their time and money in the certification process.

My first, second, third, fourth, seventh, and eighth amendments are to correct grammatical defects and do not alter the intent or substance of the bill. My fifth amendment makes it clear that the Department of Natural Resources and Conservation has a statutory duty to provide Siting Act information to those landowners who want further information. A utility or co-op may also provide information, but I do not believe that it needs to be required to do so by statute.

I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL NO. 397
(Reference Copy)
April 7, 1987

1. Title, line 8.
Following: "CONSERVATION;"
Insert: "TO PROVIDE FOR VERIFICATION OF LANDOWNER CONSENT;"

2. Page 6, line 11.
Following: "LENGTH,"
Insert: "it must provide"
Following: "NOTICE"
Strike: "MUST BE PROVIDED"

3. Page 6, lines 13 and 14.
Following: "AND" on line 13
Strike: remainder of line 13 through "PROVIDED" on line 14

4. Page 6, line 21.
Following: "OWNERS"
Strike: "THAT THEY HAVE CERTAIN RIGHTS"
Insert: "of their rights under this chapter"

5. Page 6, lines 24 and 25.
Following: "DEPARTMENT" on line 24
Strike: remainder of lines 24 and 25

6. Page 6.
Following: line 25
Insert: "NEW SECTION. Section 3. Verification. (1) Prior to constructing a transmission line under subsection (10)(b)(II) of 75-20-104 the person planning to construct the line must provide to the department within 36 months of the date of the public notice

provided under [section 2] unless extended by the board for good cause:

(a) copies of the right-of-way agreements or options for a right-of-way containing sufficient information to establish landowner consent to construct the line; and

(b) sufficient information for the department to verify to the board that the requirements of subsection (10)(b)(II) of 75-20-104 are satisfied.

(2) The provisions of subsection (10)(b)(II) of 75-20-104 do not apply to any facility for which public notice under [section 2] has been given but for which the requirements of this subsection (1) have not been complied with."

Renumber: subsequent sections

7. Page 7, line 6.
Strike: "SECTION 2 IS"
Insert: "Sections 2 and 3 are"

8. Page 7, line 8.
Following: "TO"
Strike: "SECTION 2"
Insert: "sections 2 and 3"

9. Page 7.
Following: line 8
Insert: "NEW SECTION. Section 6. Applicability. The provisions of this act do not apply to any transmission lines or associated facilities that have been certified under this chapter prior to the effective date of this act."
Renumber: subsequent section

MOTIONS

Senator Van Valkenburg moved that HB 581 be taken from the Committee on Rules and rereferred to the Committee on Finance and Claims. Motion carried.

Senator Van Valkenburg moved that HB 886 be taken from the Committee on Rules and rereferred to the Committee on Finance and Claims. Motion carried.

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 360. Motion carried.

The President appointed the following members:

Senator Bishop, Chairman
Senator Halligan
Senator Thayer

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 210. Motion carried.

The President appointed the following members:

Senator Keating, Chairman
Senator Eck
Senator Harding

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Hofman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 20 - Senator Gage moved that HB 20 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, McCallum.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 373 - Senator Manning moved that HB 373 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 460 - Senator Regan moved that HB 460 be concurred in. Senator Regan made a substitute motion that HB 460 be placed at the bottom of the board. Substitute motion carried.

HB 526 - Senator Smith moved that HB 526, third reading copy, be amended as follows:

1. Statement of intent, page 2, line 3.
Following: "plan"
Insert: "and that emphasis is placed upon those areas where important habitat is seriously threatened"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jergeson moved that HB 526, third reading copy, be further amended as follows:

1. Fish and Game Standing Committee Report, dated 4/3/87.
Strike: amendment #1 in its entirety

2. Fish and Game Standing Committee Report, dated 4/3/87, amendment #6.
Strike: "$150"
Insert: "$100"

3. Fish and Game Standing Committee Report, dated 4/3/87, amendment #7.
Strike: "$14"
Insert: "$9"

4. Fish and Game Standing Committee Report, dated 4/3/87, amendment #10.
Strike: "$500"
Insert: "$450"

5. Fish and Game Standing Committee Report, dated 4/3/87, amendment #17.
Strike: "$50"
Insert: "$45"

6. Fish and Game Standing Committee Report, dated 4/3/87, amendment #18, subsection (2)(a).
Strike: "$275"
Insert: "$200"

7. Fish and Game Standing Committee Report, dated 4/3/87, amendment #18, subsection (2)(b).
Strike: "$275"
Insert: "$200"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 45

Noes: Boylan, Gage, Galt, Hammond, Severson.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Bishop moved that HB 526, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Boylan, Farrell, Gage, Galt, Hammond, Harding, Hofman, Keating, McCallum, Neuman, Pinsoneault, Thayer, Tveit.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 896 - Senator Halligan moved that HB 896, third reading copy, be amended as follows:

1. Title, line 11.
Following: ";"
Insert: "INCREASING THE PENALTY FOR VIOLATING THE FUEL CONSERVATION SPEED LIMIT;"
Strike: "SECTION"
Insert: "SECTIONS"
Strike: ","

2. Title.
Following: line 11
Insert: "AND 61-8-718,"

3. Page 2.
Following: line 4
Insert: "Section 2. Section 61-8-718, MCA, is amended to read:

"61-8-718. Penalty for violation of fuel conservation speed limit. (1) A person violating the speed limit imposed pursuant to 61-8-304 is guilty of the offense of unnecessary waste of a resource and upon conviction shall be fined ~~$5~~ $10, and no jail sentence may be imposed. Bond for this offense shall be ~~$5~~ $10.

(2) For the purpose of this section only, the fees of the justice's court shall be the balance of the fine not otherwise allocated by law and shall be remitted as set forth in 3-10-603(3).

(3) A violation of 61-8-304 is not a misdemeanor pursuant to 45-2-101, 61-8-104, or 61-8-711.""
Renumber: subsequent section

Amendment failed as follows:

Ayes: Abrams, Blaylock, Eck, Halligan, Hirsch, Lybeck, Pinsoneault, Rasmussen, Regan.
Total 9

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Excused: None.
Total 0

Absent or not voting: Hofman.
Total 1

Senator Tveit moved that HB 896 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 471 - Senator Eck moved that the Free Conference Committee Report on HB 471 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 460 - Senator Lynch moved that HB 460, third reading copy, be amended as follows:

1. Page 3, line 17.
Strike: "$75"
Insert: "$70"

2. Page 3, line 20.
Following: "[~~SECTION 3~~]"
Insert: ", $5 must be deposited in the children's trust fund account established by 41-3-702,"

3. Page 5, line 24.
Strike: "$75"
Insert: "$70"

4. Page 6, line 2.
Following: "[~~SECTION 3~~]"
Insert: ", $5 must be deposited in the children's trust fund account established by 41-3-702,"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that HB 460, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 33

Noes: Aklestad, Beck, Boylan, Galt, Hammond, Hirsch, Keating, Kolstad, Mazurek, Neuman, Pinsoneault, Story, Tveit, Yellowtail.
Total 14

Excused: None.
Total 0

Absent or not voting: Hager, Hofman, Smith.
Total 3

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hofman moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 51, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 44

Noes: Haffey, Jergeson, Lynch, Neuman, Van Valkenburg, Yellowtail.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 118, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Boylan, Kolstad, Smith.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 7 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Hammond, Hofman, Keating, McCallum.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 157 concurred in as follows:

Ayes: Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 39

Noes: Abrams, Aklestad, Beck, Blaylock, Hammond, Hofman, Neuman, Regan, Van Valkenburg, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

HB 621 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hammond, Hirsch, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 709 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 795 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 813 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Hammond, Hofman, Neuman, Regan, Smith, Thayer.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 851 concurred in as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Jacobson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 40

Noes: Abrams, Blaylock, Gage, Hirsch, Hofman, Jergeson, Keating, Regan, Williams, Yellowtail.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 868 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 876 concurred in as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Abrams, Neuman, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., April 8, 1987.

Motion carried.

Senate adjourned at 5:18 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
April 8, 1987

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-seventh legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman)

Correctly enrolled: 4/7/87

SB 122	SB 142	SB 170	SB 184
SB 187	SB 189	SB 261	SB 275
SB 295	SB 303	SB 315	SB 329
SB 338	SB 341	SB 344	SB 380

Correctly enrolled: 4/8/87

SB 226	SB 241	SB 246	SB 321

Examined by the sponsors and found to be correct:

SB 122	Crippen
SB 142	Weeding
SB 170	Rasmussen
SB 187	Farrell
SB 189	Van Valkenburg
SB 241	Keating
SB 246	Bengtson
SB 261	Brown
SB 275	Jergeson
SB 295	Meyer
SB 303	Halligan
SB 315	Williams
SB 321	Jergeson
SB 329	Blaylock
SB 338	Boylan
SB 341	Keating
SB 344	Brown
SB 380	Pinsoneault

Signed by the President at 4:00 p.m., 4/7/87:
HB 617

Signed by the President at 10:30 a.m., 4/8/87:

SB 170	SB 189	SB 303	SB 315
SB 329	SB 344	SB 380	

Signed by the President at 4:15 p.m., 4/8/87:

SB 122	SB 142	SB 187	SB 241
SB 246	SB 261	SB 275	SB 295
SB 321	SB 338	SB 341	

Delivered to the Governor at 9:16 a.m., 4/8/87:

SB 111	SB 212	SB 353

Report adopted.

FINANCE AND CLAIMS (Regan, Chairman)

HB 599, third reading copy, be amended as follows: 4/7/87

1. Page 2, line 18.
Strike: "$150,000"
Insert: "$100,000 general fund and $50,000 from the department of fish, wildlife, and parks"

2. Page 2, line 19.
Following: "1989"
Strike: ","
Insert: "."

3. Page 3.
Strike: line 4
Insert: "The department of fish, wildlife, and parks is appropriated $50,000 of"

4. Page 3, line 6.
Following: "87-1-601"
Insert: "to grant to the university of Montana biological station at Yellow Bay on Flathead Lake"

And, as amended, be concurred in. Report adopted.

HB 870, third reading copy, be amended as follows: 4/8/87

1. Page 10, line 17.
Strike: "223"
Insert: "233"

2. Page 10, line 19.
Strike: "223"
Insert: "233"

And, as amended, be concurred in. Report adopted.

HB 871, be concurred in. Report adopted. 4/8/87
HB 888, be concurred in. Report adopted. 4/8/87
HB 901, be concurred in. Report adopted. 4/8/87

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 4/8/87
HB 878, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill No. 274
Report No. 1, April 7, 1987

Mr. President:

We, your Conference Committee on Senate Bill No. 274, met and considered:

Senate Bill No. 274

We recommend as follows:

That Senate Bill No. 274, reference copy, be amended as follows:

1. Page 1, line 20.
Following: "include"
Insert: ": (a)"

2. Page 1, line 21.

Following: "EXCEED"
Strike: "800"
Insert: "400"

3. Page 1, line 22.
Following: "FIRM"
Insert: ";"
Following: "AND"
Insert: "(b)"

4. Page 2, line 3.
Following: "(2)"
Insert: "(b)"

And that this Conference Committee Report be adopted:

For the Senate:

Hammond, Chairman
Mazurek

For the House:

Sales, Chairman
Wallin
Bulger

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

April 7, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 29, 69, 77, 235, 250, 253, 257, 289, 300, 302, 362, and 370 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

April 8, 1987

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 455, "AN ACT ESTABLISHING THE RIGHTS OF RESIDENTS OF LONG-TERM CARE FACILITIES; PROVIDING THAT A RESIDENT MUST BE INFORMED OF HIS RIGHTS; REQUIRING THAT THESE RIGHTS BE POSTED IN LONG-TERM CARE FACILITIES; AND REQUIRING THAT FACILITY STAFF BE TRAINED TO IMPLEMENT THESE RIGHTS" without my signature and recommend the attached amendment for the following reasons.

Section 4 of House Bill No. 455 sets forth the rights of nursing home residents. Sections 5 and 6 impose on the nursing home a duty to post

those rights and to involve certain residents' authorized representatives in decisions regarding those residents.

Unfortunately, Section 7, the enforcement provision of House Bill No. 455, references only sections 5 and 6. My amendment includes the resident rights provision, section 4, within the enforcement provisions of the bill.

I urge your concurrence in this amendment.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENT TO
HOUSE BILL NO. 455
(Reference Copy)
April 8, 1987

1. Page 7, line 15.
Following: "sections"
Insert: "4,"

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

April 7, 1987

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and laws of the State of Montana, I hereby return Senate Bill No. 279, "AN ACT PROVIDING FOR SECURITY OF DATA AND INFORMATION TECHNOLOGY RESOURCES; ESTABLISHING THE RESPONSIBILITIES OF STATE AGENCIES, THE BOARD OF REGENTS, THE SUPREME COURT, AND THE DEPARTMENT OF ADMINISTRATION; AND AMENDING SECTION 2-15-102, MCA," without my signature and recommend the attached amendments for the following reasons:

Section 2 of Senate Bill No. 279 assigns responsibility to every department director for assuring the security of state data resources. Unfortunately, section 6 (1) of Senate Bill No. 279 provides that section 2 be codified as part of Title 2, chapter 15, part 10, which describes the organization of the Department of Administration. My first, second and fifth amendments provide for the more appropriate codification of this section with Title 2, chapter 15, part 1, which relates to executive branch agencies in general.

Section 6 (2) also directs that section 3, which outlines the Department of Administration's role in securing the State's data resources, be codified as part of the Department's general organizational statutes. However, Title 2, chapter 17, part 5 already gives the Department responsibilities relating to the operation and development of data processing by the state. The new functions should therefore be codified with the related existing ones. My third and fourth amendments will accomplish this codification.

I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS TO
SENATE BILL NO. 279
(Reference Copy)
April 7, 1987

1. Page 8.
Following: line 1
Insert: "(1) Section 2 is intended to be codified as an integral part of Title 2, chapter 15, part 1, and the provisions of Title 2, chapter 15, part 1 apply to section 2."
Renumber: subsequent subsections

2. Page 8, line 2.
Following: "(1)"
Strike: "Sections 2 and"
Insert: "Section"
Following: "3"
Strike: "are"
Insert: "is"

3. Page 8, line 3.
Following: "chapter"
Strike: "15"
Insert: "17"
Following: "15, part"
Strike: "10"
Insert: "5"

4. Page 8, line 4.
Following: "chapter"
Strike: "15"
Insert: "17"
Following: "part"
Strike: "10"
Insert: "5"

5. Page 8.
Following: line 4
Strike: "sections 2 and"
Insert: "section"

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

SB 335, introduced by Mazurek.

House bills passed and transmitted to the Senate for concurrence:

HB 2, introduced by Donaldson.

HJR 46, introduced by Brandewie.

HJR 47, introduced by Pistoria.

HJR 48, introduced by Spaeth.

HJR 49, introduced by Miles.

Senate bills not concurred in and returned to the Senate:

SB 297, introduced by Harding.

SB 377, introduced by McCallum.

The House, on 4/7/87, failed to concur in Senate amendments to HB 459 and appointed a Conference Committee requesting that the Senate appoint a like committee to confer on Senate amendments to HB 459.

The Speaker appointed the following members:

Representative Phillips
Representative Roth
Representative Keenan

The House, on 4/7/87, failed to concur in Senate amendments to HB 241 and appointed a Conference Committee requesting that the Senate appoint a like committee to confer on Senate amendments to HB 241.

The Speaker appointed the following members:

Representative Cobb
Representative Lory
Representative Spaeth

The House, on 4/7/87, failed to concur in Senate amendments to HB 442 and appointed a Free Conference Committee requesting that the Senate appoint a like committee to confer on HB 442.

The Speaker appointed the following members:

Representative Mercer
Representative Eudaily
Representative Addy

The House, on 4/7/87, failed to concur in Senate amendments to HB 325 and appointed a Free Conference Committee requesting that the Senate appoint a like committee to confer on HB 325.

The Speaker appointed the following members:

Representative Mercer
Representative Nelson
Representative Cody

The House, on 4/7/87, dissolved the Conference Committee on Senate amendments to HB 326 and authorized the Speaker to appoint a Free Conference Committee requesting that the Senate dissolve its like committee and appoint a Free Conference Committee to confer on HB 326.

The Speaker appointed the following members:

Representative Gould
Representative Mercer
Representative Addy

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:09 p.m.

Senate reconvened at 4:03 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lybeck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 103 - Senator Hager moved that the Governor's amendments to SB 103 be not concurred in. Senator Lynch made a substitute motion that the Governor's amendments to SB 103 be concurred in. Substitute motion failed as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Eck, Haffey, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hager's motion that the Governor's amendments to SB 103 be not concurred in failed as follows:

Ayes: Aklestad, Anderson, Beck, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 24

Noes: Abrams, Bengtson, Bishop, Blaylock, Boylan, Eck, Haffey, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that consideration on the Governor's amendments to SB 103 be passed. Motion carried.

HB 84 - Senator Eck moved that HB 84, third reading copy, be amended as follows:

1. Title, line 12.
Following: "SITES,"
Strike: "AND"

2. Title, line 13.

Following: "PROGRAM"
Insert: ", AND TO THE MUSEUM OF THE ROCKIES FOR A DESTINATION-POINT TOURIST ATTRACTION AND A MARKETING PROGRAM FOR MAJOR MONTANA MUSEUMS"

3. Page 7, line 6.
Strike: "(1)(c)"
Insert: "(1)(d)"

4. Taxation Standing Committee Report, dated 4/6/87, amendment #3.
Following: "society,"
Strike: "and"
Following: "system,"
Insert: "and the museum of the rockies,"

5. Taxation Standing Committee Report, dated 4/6/87, amendment #4, subsection (b).
Following: "program;"
Strike: "and"
Insert: "(c) 4.5% to the museum of the rockies for staff to enable the museum to realize its potential as a destination-point tourist attraction and to develop a joint marketing program for major museums of Montana; and"
Renumber: subsequent subsection

Amendment failed as follows:

Ayes: Aklestad, Boylan, Eck, Haffey, Himsl, Jacobson, Lynch, McCallum, Neuman, Smith, Stimatz, Story.
Total 12

Noes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Lybeck, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Excused: None.
Total 0

Absent or not voting: Kolstad.
Total 1

Senator Story moved that HB 84 be placed at the bottom of the board. Motion failed as follows:

Ayes: Aklestad, Anderson, Boylan, Eck, Farrell, Galt, Haffey, Halligan, Hammond, Jacobson, Mazurek, McCallum, Neuman, Regan, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 20

Noes: Abrams, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Gage, Hager, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Thayer, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 29

Excused: None.
Total 0

Absent or not voting: Lynch.

Total 1

Senator Brown moved that HB 84 be concurred in. Senator Keating made a substitute motion that HB 84 be placed below HB 327. Substitute motion failed.

Senator Brown's motion that HB 84 be concurred in carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Story, Thayer, Walker, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Farrell, Gage, Galt, Hammond, Hofman, Kolstad, McCallum, Neuman, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Weeding, Williams.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 275 - Senator Neuman moved that HB 275 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Himsl, Hofman, Keating.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 327 - Senator Van Valkenburg moved that HB 327, third reading copy, be amended as follows:

1. Title, line 4.
Strike: "REQUIRING"
Insert: "PROVIDING THAT"

2. Title, line 5.
Strike: "TO"
Insert: "MAY"

3. Title, line 6.
Strike: "ALLEGED"
Insert: "SUSPECTED"

4. Title, line 7.

Strike: "; AND AMENDING SECTIONS 46-4-102 AND 46-4-103, MCA"

5. Pages 1 through 4.
Strike: everything following the enacting clause
Insert: "Section 1. Sudden infant death syndrome — investigation. (1) If a child under the age of 2 years dies suddenly and unexpectedly under circumstances indicating that the death may have been caused by sudden infant death syndrome, the coroner may order an autopsy performed by the state medical examiner if the coroner considers an autopsy necessary to accurately and scientifically determine the cause of death. If the coroner does not consider an autopsy necessary but the parents or guardian request one, the coroner shall order an autopsy performed.

(2) If an autopsy is performed, the parents or guardian must receive a preliminary report of the autopsy within 5 days of the infant's death.

(3) The state shall bear the cost of an autopsy.

(4) If a death is suspected of having been caused by sudden infant death syndrome, the coroner must investigate the scene of the death to determine if there is any evidence which would assist in making a determination of the cause of death.

Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 50, chapter 22, and the provisions of Title 50, chapter 22, apply to section 1."

6. Senate Public Health, Welfare, and Safety Standing Committee Report, dated 3/25/87.
Strike: amendments #1 and 2 in their entirety

Senator Regan moved that Senator Van Valkenburg's amendment be amended as follows:

1. Senator Van Valkenburg's Committee of the Whole amendment, dated 4/8/87 at 8:20, amendment #5, section 1(1).
Following: "if the coroner"
Strike: "considers an autopsy necessary to accurately and scientifically determine the cause of death"
Insert: "is informed that a death was caused by other than natural causes or occurred under circumstances that afford a reasonable ground to suspect that the death was the result of criminal conduct"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Neuman, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Williams, Yellowtail.
Total 35

Noes: Bishop, Boylan, Crippen, Halligan, Hofman, Jacobson, Mazurek, Pinsoneault, Severson, Van Valkenburg, Walker, Weeding, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Haffey, Meyer.

Total 2

Senator Van Valkenburg's amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that HB 327, as amended, be concurred in. Motion carried as follows:

Ayes: Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Hager, Halligan, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Noes: Abrams, Aklestad, Anderson, Bengtson, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Severson, Smith, Story, Thayer.
Total 21

Excused: None.
Total 0

Absent or not voting: Beck, Haffey.
Total 2

HB 714 - Senator Eck moved that HB 714 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 716 - Senator Mazurek moved that HB 716 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 887 - Senator Kolstad moved that HB 887, third reading copy, be amended as follows:

1. Page 8, line 23.
Strike: "$25,000 IN"
Insert: "$50,000 for the biennium ending June 30, 1989,"
Following: "AVAILABLE"
Insert: "from"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Kolstad moved that HB 887, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lybeck moved the adoption of the committee report. Report adopted.

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Conference Committee on HB 752 be dissolved and that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 752. Motion carried.

The President appointed the following members:

Senator Eck, Chairman
Senator Rasmussen
Senator Hager

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to allow the receipt of the following House bills: HB 2, HB 155, HB 436, HB 496, HB 575, HB 627, HB 656, HB 726, HB 816, HB 848, HB 864, HB 866. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to allow the receipt of the following House bills: HB 2, HB 436, HB 656, HB 726, HB 848, HB 864, HB 866. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 26

Noes: Bengtson, Blaylock, Boylan, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to allow the receipt of HB 2. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Crippen, Lybeck, Mazurek, Neuman.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 2, introduced by Donaldson. Referred to Committee on Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 20 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Aklestad, McCallum, Tveit.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 373 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer,

Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 460 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 38

Noes: Aklestad, Beck, Hirsch, Keating, Kolstad, Mazurek, Pinsoneault, Smith, Stimatz, Story, Weeding, Yellowtail.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 526 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Boylan, Farrell, Gage, Galt, Hammond, Harding, Hofman, Keating, McCallum, McLane, Neuman, Pinsoneault, Thayer, Tveit.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 896 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 471, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 3:00 p.m., April 9, 1987.

Motion carried.

Senate adjourned at 6:50 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana
April 9, 1987

Senate Chambers
State Capitol

Senate convened at 3:06 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-eighth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman)

Examined by the sponsors and found to be correct: 4/8/87

SB 184	Tveit
SB 226	Halligan

Signed by the President at 11:00 a.m., 4/9/87:

HB 29	HB 161	HB 372	HB 434
HB 700	HB 852	HJR 42	

Delivered to the Governor at 10:06 a.m., 4/9/87:

SB 170	SB 189	SB 303	SB 315
SB 329	SB 344	SB 380	

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman)

HB 849, be concurred in. Report adopted. 4/9/87

HB 863, third reading copy, be amended as follows: 4/8/87

1. Page 2, line 8.
Following: "means"
Insert: ":

(a) with respect to the licensure of keno machines,"

2. Page 2, line 10.
Following: "23-5-421"
Insert: "; and

(b) with respect to the licensure of video draw poker machines, an establishment that is licensed to sell alcoholic beverages for consumption on the premises"

3. Page 2.
Following: line 13
Insert: "or keno machines"

4. Page 3, line 13.
Following: "poker"
Insert: "or keno"

5. Page 3, line 15.
Following: "poker"
Insert: ", bingo, or keno"

6. Page 5, line 20 through line 2, page 6.
Following: "23-5-615." on line 20

Strike: remainder of line 20 through "towns." on line 2, page 6

7. Page 6, lines 3 through 7.
Following: "year" on line 3
Insert: "."
Strike: remainder of lines 3 through 7

8. Page 15, line 17.
Strike: subsection (ff) in its entirety
Renumber: subsequent subsections

Committee adopted the following statement of intent:

Statement of Intent
HB 863

A statement of intent is required for this bill because section 3 gives the department the authority to adopt rules concerning the administration of the video draw poker and keno machine net income tax.

In promulgating rules the department should consider the procedures and policies of other states that have instituted a similar net income tax on video gaming machines. The rules should provide an orderly and efficient method for inspection by the department of licensee records and of collecting the tax.

And, as amended, be concurred in. Report adopted.

JUDICIARY (Mazurek, Chairman) 4/8/87
HB 873, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 4/8/87
HJR 44, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 4/8/87
HB 666, third reading copy, be amended as follows:

1. Title, line 5.
Following: "MUNICIPALITIES"
Insert: ", AFTER A PUBLIC HEARING,"

2. Title, line 8.
Following: "DATE"
Insert: "AND AN APPLICABILITY PROVISION"

3. Page 1, line 21.
Following: "and"
Insert: ", after a public hearing,"

4. Page 3.
Following: line 14
Strike: line 15 through "after" on line 17
Insert: "does not apply to bonds issued before"

And, as amended, be concurred in. Report adopted.

Adverse Committee Report

FINANCE AND CLAIMS (Regan, Chairman) 4/7/87
HB 744, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad,

Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Bengtson, Brown, Rasmussen, Stimatz.
Total 4

MESSAGES FROM THE GOVERNOR

The Honorable William Norman April 9, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 96, 113, 134, 151, 152, 175, 229, and 373 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable Robert L. Marks April 9, 1987
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill No. 519, "AN ACT REVISING THE LAWS RELATING TO DISCRIMINATION IN INSURANCE AND RETIREMENT PLANS; LIMITING THE PROHIBITION AGAINST DISCRIMINATION ON THE BASIS OF SEX OR MARITAL STATUS TO THE ISSUANCE OR AVAILABILITY OF INSURANCE; REPEALING SECTION 49-2-309, MCA; AND PROVIDING AN APPLICABILITY DATE AND AN IMMEDIATE EFFECTIVE DATE."

The evidence is clear and conclusive—statutory implementation of non-gender insurance in 1985 has significantly increased the cost of insurance for many women.

That is not the issue.

The legislature and the governor are bound, not by our perception of what is 'good' or 'bad' economically for women, but by the unequivocal language of Article II, Section 4 of the Montana Constitution:

No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.

Pursuant to my constitutional obligation, I hereby veto House Bill No. 519.

Sincerely,

Ted Schwinden
Governor

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

April 9, 1987

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 623, "AN ACT GENERALLY REVISING THE LAW GOVERNING STATE LIQUOR STORES; PREVENTING THE CLOSURE, CONVERSION, OR SALE OF LIQUOR STORES OPERATED BY THE DEPARTMENT OF REVENUE UNLESS A STORE IS NOT OPERATING AT A PROFIT OR SUCH CLOSURE HAS BEEN APPROVED BY THE LEGISLATURE; REQUIRING SUFFICIENT WAREHOUSE INVENTORY TO SERVICE LIQUOR STORES; AMENDING SECTION 16-2-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE." without my signature and recommend the attached amendments.

For several years the state liquor division has worked hard to reverse the decline in state profits. The June Special Legislative Session adopted a liquor system recovery plan which envisioned a gradual conversion of inefficient state stores to agencies run as private businesses. Under that program, state revenues would increase and the public would be better served. House Bill No. 623 as passed imposes a roadblock to conversion of less efficient stores.

The bill allows closure or conversion of state stores to agencies if the store is returning less than a 10% profit or the legislature approves a closure. My proposed amendment allows, within these conditions, the conversion of state stores to private agencies in communities over 3,000, based on competitive bid. This amendment will help the liquor system maintain current profits, which helps support the state general fund budget.

Ultimately, the legislature must let us run the state liquor enterprise in a cost-effective manner or get the state out of the business entirely. I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL NO. 623
(Reference Copy)
April 9, 1987

1. Title, line 8.
Following: "STORES;"
Strike: "PREVENTING"
Insert: "SPECIFYING THE CONDITIONS FOR"

2. Title, lines 10 and 11.
Following: "REVENUE" on line 10
Strike: remainder of line 10 through "LEGISLATURE" on line 11

3. Page 3, lines 7 and 8.
Strike: subsection 4 in its entirety
Insert: "(4) Agency stores must receive commissions based on adjusted gross sales as follows:

(a) a 10% commission for agencies in communities with less than 3,000 in population;

(b) a commission established by competitive bidding for agencies in communities with 3,000 or more in population."

MESSAGES FROM THE OTHER HOUSE

The House, on 4/8/87, refused to accede to the request of the Senate to appoint a Free Conference Committee on SB 286.

The House, on 4/8/87, failed to concur in Senate amendments to HB 102 and appointed a Conference Committee requesting that the Senate appoint a like committee to confer on Senate amendments to HB 102.

The Speaker appointed the following members:

Representative Grady
Representative Swysgood
Representative Holliday

The House, on 4/8/87, failed to concur in Senate amendments to HB 611 and appointed a Conference Committee requesting that the Senate appoint a like committee to confer on Senate amendments to HB 611.

The Speaker appointed the following members:

Representative Nathe
Representative Thoft
Representative D. Brown

The House, on 4/8/87, failed to concur in Senate amendments to HB 697 and appointed a Conference Committee requesting that the Senate appoint a like committee to confer on Senate amendments to HB 697.

The Speaker appointed the following members:

Representative Sales
Representative Wallin
Representative Connelly

The House, on 4/8/87, failed to concur in Senate amendments to HB 796 and appointed a Conference Committee requesting that the Senate appoint a like committee to confer on Senate amendments to HB 796.

The Speaker appointed the following members:

Representative Gould
Representative Mercer
Representative Driscoll

The House, on 4/8/87, failed to concur in Senate amendments to HB 567 and appointed a Free Conference Committee requesting that the Senate appoint a like committee to confer on HB 567.

The Speaker appointed the following members:

Representative Ramirez
Representative Hannah
Representative Miles

The House, on 4/8/87, failed to concur in Senate amendments to HB 586 and appointed a Free Conference Committee requesting that the Senate appoint a like committee to confer on HB 586.

The Speaker appointed the following members:

Representative Gould
Representative Grinde
Representative Pavlovich

The House, on 4/8/87, failed to concur in Senate amendments to HB 721 and appointed a Free Conference Committee requesting that the Senate appoint a like committee to confer on HB 721.

The Speaker appointed the following members:

Representative Thomas
Representative Peterson
Representative Vincent

The House, on 4/8/87, dissolved the Conference Committee on Senate amendments to HB 752, and requested the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 752.

The Speaker appointed the following members:

Representative Gilbert
Representative Winslow
Representative Bulger

MOTIONS

Senator Regan moved that consideration on HB 787 be passed. Motion carried.

Senator Pinsoneault moved that the Senate dissolve its Conference Committee on SB 256, and that a Free Conference Committee be appointed. Motion carried.

The President appointed the following members:

Senator Pinsoneault, Chairman
Senator Halligan
Senator Brown

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 325. Motion carried.

The President appointed the following members:

Senator Mazurek, Chairman

Senator Farrell
Senator Hirsch

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 459. Motion carried.

The President appointed the following members:

Senator Lynch, Chairman
Senator Farrell
Senator Kolstad

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 567. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Mazurek
Senator Bishop

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 586. Motion carried.

The President appointed the following members:

Senator Williams, Chairman
Senator Manning
Senator Hager

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 611. Motion carried.

The President appointed the following members:

Senator Jacobson, Chairman
Senator Jergeson
Senator Hammond

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 326. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Brown
Senator Bishop

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 3:22 p.m.

Senate reconvened at 4:19 p.m.

Senator Van Valkenburg moved that the Conference Committees previously authorized for HB 325, HB 567, and HB 586 be made Free Conference Committees. Motion carried.

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 241. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Pinsoneault
Senator Thayer

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 442. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Crippen
Senator Galt

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to allow the receipt of the following House bills: HB 436, HB 496, HB 627, HB 656, HB 726, HB 816, HB 848, HB 864, HB 866. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Smith, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: Hirsch.
Total 1

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HJR 46, introduced by Brandewie, Driscoll (By Request of the House Committee on Business and Labor). Referred to Committee on Agriculture.

HJR 47, introduced by Pistoria, Eudaily, Lory, Nisbet, Schye, Sands, Glaser, Phillips, Kennerly, Fritz, Manning, Whalen, McCormick. Referred to Committee on Education and Cultural Resources.

HJR 48, introduced by Spaeth, Hoffman, Swift, Vincent, M. Williams, Harp, Addy, Holliday, Harper, Bradley, Ramirez, Sands, Regan, Neuman. Referred to Committee on Taxation.

HJR 49, introduced by Miles (By Request of the House Natural Resources Committee). Referred to Committee on Natural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Himsl in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 274 - Senator Hammond moved that the Conference Committee Report on House amendments to SB 274 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 103 - Senator Hager moved that the Governor's amendments to SB 103 be not concurred in. Senator Lynch made a substitute motion that the Governor's amendments to SB 103 be concurred in. Substitute motion failed as follows:

Ayes: Abrams, Bishop, Blaylock, Boylan, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 23

Noes: Aklestad, Anderson, Beck, Bengtson, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hager's motion that the Governor's amendments to SB 103 be not concurred in carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 27

Noes: Abrams, Bishop, Blaylock, Boylan, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 279 - Senator Keating moved that the Governor's amendments to SB 279 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 599 - Senator Harding moved that HB 599 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 702 - Senator Manning moved that HB 702 be concurred in. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Brown, Eck, Haffey, Halligan, Harding, Himsl, Jacobson, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 23

Noes: Aklestad, Anderson, Beck, Bishop, Crippen, Farrell, Gage, Galt, Hammond, Hirsch, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Severson, Smith, Story, Tveit.
Total 22

Excused: None.
Total 0

Absent or not voting: Hager, Lybeck, Rasmussen, Thayer, Williams.
Total 5

HB 814 - Senator Hammond moved that HB 814 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 39

Noes: Aklestad, Bishop, Blaylock, Galt, Himsl, Lynch, Pinsoneault, Regan, Story, Walker, Yellowtail.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 881 - Senator Jergeson moved that HB 881 be concurred in. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Haffey, Halligan, Himsl, Jergeson, Lybeck, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 21

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Neuman, Severson, Smith, Stimatz, Story, Thayer, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Aklestad moved that HB 881 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Story, Thayer, Tveit, Walker.
Total 29

Noes: Abrams, Bengtson, Blaylock, Boylan, Eck, Haffey, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Rasmussen, Regan, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the

Chair. Chairman Himsl moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 84 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Walker, Weeding, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Bishop, Gage, Galt, Hammond, Hofman, Jergeson, Keating, Kolstad, McCallum, Neuman, Smith, Story, Tveit, Van Valkenburg, Vaughn, Williams.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 275 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Beck, Hammond, Himsl, Hofman, Keating, Story.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 327 concurred in as follows:

Ayes: Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 29

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Gage, Galt, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, Severson, Smith, Story, Thayer, Tveit, Yellowtail.
Total 21

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 714 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 716 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad, Galt, Hager, Hammond, Severson, Smith, Story, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 887 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Beck, Gage, Keating, Story.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of Senator Van Valkenburg, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 796. Motion carried.

The President appointed the following members:

Senator Lynch, Chairman
Senator Crippen
Senator McLane

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 2:00 p.m., April 10, 1987.

Motion carried.

Senate adjourned at 5:46 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTIETH LEGISLATIVE DAY

Helena, Montana
April 10, 1987

Senate Chambers
State Capitol

Senate convened at 2:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Bengtson, Gage, Haffey, Hammond, Himsl, Jergeson, Keating, Regan, Smith, Stimatz, Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-ninth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/10/87

Correctly enrolled:

SB 51	SB 335

Examined by the sponsors and found to be correct:

SB 51	Brown
SB 335	Mazurek

Signed by the President at 4:30 p.m., 4/9/87:

SB 184	SB 226

Signed by the President at 4:14 p.m., 4/10/87:

SB 51	SB 335

Signed by the President at 4:50 p.m. 4/10/87:

HB 5	HB 7	HB 73	HB 78
HB 152	HB 166	HB 167	HB 170
HB 171	HB 179	HB 211	HB 219
HB 283	HB 284	HB 300	HB 302
HB 309	HB 322	HB 340	HB 344
HB 356	HB 387	HB 409	HB 426
HB 437	HB 534	HB 795	HB 851

Delivered to the Governor at 3:37 p.m., 4/10/87:

SB 122	SB 142	SB 184	SB 187
SB 226	SB 241	SB 246	SB 261
SB 275	SB 295	SB 321	SB 338
SB 341			

Report adopted.

JUDICIARY (Mazurek, Chairman) 4/9/87

HB 754, third reading copy, be amended as follows:

1. Page 4, line 10.
Strike: "offices"
Insert: "the office"

2. Page 4, line 11.
Strike: "3-7-201 or"

3. Page 7, lines 10 through 13.
Following: "legislature" on line 10
Strike: remainder of line 10 through "(1)" on line 13
Insert: "and when that appropriation is expended then the department is no longer required to provide further assistance"

And, as amended, be concurred in. Report adopted.

HB 861, third reading copy, be amended as follows:

1. Title, line 15.
Strike: "ATTORNEY GENERAL,"

2. Title.
Following: "COMMISSION" on line 16
Strike: remainder of line 16 through "COMMERCE" on line 17

3. Title, line 17.
Strike: "ON"
Insert: "FROM"

4. Title.
Following: "RAILROAD;" on line 18
Strike: remainder of lines 18 and 19

5. Page 2, line 20.
Following: "railroad."
Strike: "Prior to the transfer"
Insert: "Thirty days prior to filing with the interstate commerce commission of an application to purchase, sell, or transfer any section"

6. Page 2, line 23.
Strike: "the attorney general,"

7. Page 2.
Following: "commission" on line 24
Strike: remainder of line 24 through "COMMERCE" on line 25

8. Page 3, line 2.
Strike: "the attorney general,"

9. Page 3.
Following: "commission" on line 3
Strike: remainder of line 3 through "counsel" on line 4

10. Page 3, line 5.
Following: "transaction"
Insert: "directly related to the requirements of [section 3]"

11. Page 3, line 19.
Strike: "copy"
Insert: "general description of the terms"
Strike: "sale contract,"
Insert: "transaction and any"

12. Page 3.
Following: "AGREEMENTS" on line 20
Strike: remainder of line 20 through "buyer" on line 21

13. Page 3, line 23 through page 4, line 6.
Strike: subsection (3) in its entirety

14. Page 4, line 17.
Following: "$500"
Strike: "each"
Following: "to the"
Strike: "attorney general,"

15. Page 4.
Following: "commission" on line 18

Strike: remainder of line 18 through "COMMERCE" on line 19

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 4/9/87
HB 884, third reading copy, be amended as follows:

1. Page 13.
Following: line 7
Insert: "NEW SECTION. Section 8. Prior law superseded. [This act] hereby supersedes the provisions of 1-2-113 as it may apply to [this act]."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill No. 163
Report No. 1, April 9, 1987

Mr. President:

We, your Conference Committee on House Bill No. 163, met and considered:

Senate amendments to House Bill No. 163

We recommend as follows:

That House Bill No. 163, reference copy, be amended as follows:

1. Page 2, line 8.
Strike: "APPRECIABLY"

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Halligan, Chairman	Mercer, Chairman
Brown	Giacometto
Yellowtail	D. Brown

Conference Committee
on House Bill No. 277
Report No. 1, April 9, 1987

Mr. President:

We, your Conference Committee on House Bill No. 277, met and considered:

Senate amendments to House Bill No. 277

We recommend as follows:

That House Bill No. 277, reference copy, be amended as follows:

1. Page 3, line 2.
Strike: ", 61-5-206,"

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Pinsoneault, Chairman	Sales, Chairman

Halligan
Beck
Eudaily
Connelly

Free Conference Committee
on House Bill No. 837
Report No. 1, April 9, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 837, met and considered:

Senate amendments to House Bill No. 837

We recommend as follows:

That House Bill No. 837, reference copy, be amended as follows:

1. Page 1, lines 19 and 20.
Strike: "AND THE COUNTY OF RESIDENCE"

2. Page 1, line 22.
Following: "address"
Insert: "and the county of residence"

3. Page 12, line 22.
Following: "deposit in"
Strike: "the GENERAL FUND"
Insert: "a state special revenue fund in the state treasury"

4. Page 12, line 23.
Following: "collects"
Insert: ", and the fee money may be paid out of the treasury only on appropriation made by the legislature as provided in 17-8-101. Any fee money collected under this part and remaining in the state treasury after all current fiscal year expenditures are met must be transferred to the general fund"

5. Page 16, line 4.
Following: "1987."
Insert: "The secretary of state shall distribute portions of the master list to registered buyers at least once each month. He may distribute portions of the master list more frequently if he determines it is necessary to improve the flow of agricultural credit."

And that this Free Conference Committee Report be adopted.

For the Senate:

Thayer, Chairman
Beck
Jergeson

For the House:

Jenkins, Chairman
Hanson
Holliday

MESSAGES FROM THE GOVERNOR

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

April 9, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 49, 102, 111, 139, 160, 181, 212, 213, 359, 361, 369, 375, and 385 on this date. I signed Senate Bill No. 353 on April 10, 1987.

Sincerely,

Ted Schwinden
Governor

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

April 9, 1987

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 658, "AN ACT TO PROVIDE A FEE IN LIEU OF PROPERTY TAX FOR MOTORBOATS 10 FEET IN LENGTH OR LONGER AND SAILBOATS 12 FEET IN LENGTH OR LONGER; EXEMPTING MOTORBOATS LESS THAN 10 FEET IN LENGTH FROM PROPERTY TAXES; AMENDING SECTIONS 15-6-146, 15-6-201, 15-8-201, 15-8-301, 15-8-404, 23-2-512, AND 23-2-515, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND ~~A RETROACTIVE~~ AN APPLICABILITY DATE."

House Bill No. 658 would amend existing law to provide a fee in lieu of tax for certain motorboats. Another bill that is also on my desk for signature, House Bill No. 457, would enact into law a new section requiring the payment of all taxes on a boat before a decal is issued. Clearly the intent of the Legislature in passing House Bill No. 457 was to require payment of all money, be it taxes or fees in lieu of taxes, before the decal could be issued. My amendment authorizes and directs the Code Commissioner to conform the code to the intent of the Legislature.

I urge your concurrence in this amendment.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENT TO
HOUSE BILL NO. 658
(Reference Copy)
(April 9, 1987)

1. Page 17.
Following: line 13
Insert: "NEW SECTION. Section 13. Code commissioner instruction. The code commissioner shall change any reference to taxes on boats contained in new material enacted this session to reflect the fee in lieu of tax on boats contained in this bill."
Renumber: subsequent sections

MESSAGES FROM THE OTHER HOUSE

Governor's amendments to House bill concurred in and transmitted to the Senate:

HB 397, introduced by Spaeth.

The House, on 4/9/87, dissolved the Conference Committee on Senate amendments to HB 206, and requested the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 206.

The Speaker appointed the following members:

Representative McCormick
Representative Swysgood
Representative Brandewie

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 102. Motion carried.

The President appointed the following members:

Senator Story, Chairman
Senator Lybeck
Senator Beck

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 697. Motion carried.

The President appointed the following members:

Senator Lybeck, Chairman
Senator Vaughn
Senator Meyer

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 721. Motion carried.

The President appointed the following members:

Senator Blaylock, Chairman
Senator Story
Senator Haffey

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 436, introduced by Ramirez, Crippen, Hoffman, Raney, Bishop. Referred to Committee on Taxation.

HB 496, introduced by Bradley, Driscoll, McCallum, Farrell, Grady. Referred to Committee on Local Government.

HB 627, introduced by Strizich, Halligan, Nisbet, Bulger, Miller, Walker, Haffey, Manning, Quilici, Hansen. Referred to Committee on Public Health, Welfare, and Safety.

HB 656, introduced by Grady, Hofman, Miller, Menke, Pistoria, DeMars, Russell, Jenkins, Schye, Tveit, Koehnke, Donaldson. Referred to Committee on Highways and Transportation.

HB 726, introduced by Spaeth, McLane. Referred to Committee on Taxation.

HB 816, introduced by Asay, Ramirez, Keller, Sands. Referred to Committee on Taxation.

HB 848, introduced by Stang, Rapp-Svrcek, C. Smith, Jones, Swift, McCallum, Darko, Farrell, Severson, Thomas. Referred to Committee on Taxation.

HB 864, introduced by Manuel (By Request of the House Appropriations Committee). Referred to Committee on Finance and Claims.

HB 866, introduced by Bradley, Switzer (By Request of the House Appropriations Committee). Referred to Committee on Finance and Claims.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

Senators Bengtson, Gage, Haffey, Hammond, Himsl, Jergeson, Keating, Regan, Smith, Stimatz, and Tveit present at this time.

REPORTS OF STANDING COMMITTEES

Adverse Committee Reports

FINANCE AND CLAIMS (Regan, Chairman) 4/8/87

HB 538, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Beck, McCallum, Smith.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 854, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Jergeson.
Total 1

Excused: None.
Total 0

Absent or not voting: Lynch.
Total 1

JUDICIARY (Mazurek, Chairman) 4/9/87

HB 890, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad, Bishop, Crippen, Eck, Meyer, Regan, Thayer, Weeding.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 274, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Galt.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 279, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 599 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Williams, Yellowtail, Mr. President.
Total 43

Noes: Aklestad, Bishop, Hammond, McCallum, Van Valkenburg, Walker, Weeding.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 702 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Harding, Hirsch, Lybeck, Manning, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Bishop, Boylan, Gage, Galt, Hager, Hammond, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, Smith, Story, Thayer, Tveit, Van Valkenburg, Weeding.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 814 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, McLane, Meyer, Neuman, Rasmussen, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Aklestad, Bishop, Blaylock, Galt, Himsl, Lynch, Mazurek, McCallum, Pinsoneault, Regan, Severson, Story, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Manning moved that the Senate override the Governor's veto on SB 149. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Blaylock, Hager, Hammond, Himsl, Hirsch, Neuman, Pinsoneault, Regan.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 2:53 p.m.

Senate reconvened at 3:53 p.m.

REPORTS OF STANDING COMMITTEES

TAXATION (McCallum, Chairman) 4/10/87

SB 307, grey bill (godzilla), have the following amendments attached:

1. Pages 172 through 332.
Following: line 13 on page 172
Strike: "[SECTIONS 113 THROUGH 187]" in all locations
Insert: "[sections 113 through 180]"

1. Pages 220 through 223.
Following: line 1 on page 220
Strike: sections 181 through 187 in their entirety
Renumber: subsequent sections

2. Page 223, line 15.
Strike: "188"
Insert: "181"

3. Page 223, line 16.
Strike: "196"
Insert: "189"

4. Page 223, line 18.
Strike: "189"
Insert: "182"

5. Page 225, line 18.
Strike: "188"
Insert: "181"
Strike: "196"
Insert: "189"

6. Page 226, line 21.
Strike: "188"
Insert: "181"
Strike: "196"
Insert: "189"

7. Page 226, line 25.
Strike: "188"
Insert: "181"

8. Page 227, line 1.
Strike: "196"
Insert: "189"

9. Page 227, line 9.
Strike: "188"
Insert: "181"

10. Page 227, line 10.
Strike: "196"
Insert: "189"

11. Page 228, line 13.
Strike: "188"
Insert: "181"

12. Page 228, line 14.
Strike: "196"
Insert: "189"

13. Page 229, line 3.
Strike: "188"
Insert: "181"

14. Page 229, line 4.
Strike: "196"
Insert: "189"

15. Page 231, line 11.
Strike: "197"
Insert: "190"
Strike: "201"
Insert: "194"

16. Page 232, line 1.
Strike: "199"
Insert: "192"

17. Page 232, line 4.
Strike: "197"
Insert: "190"
Strike: "201"
Insert: "194"

18. Page 232, line 8.
Strike: "197"
Insert: "190"

19. Page 232, line 9.
Strike: "201"
Insert: "194"

20. Page 233, line 7.
Strike: "188"
Insert: "181"

21. Page 258, line 3.
Strike: "25%"
Insert: "29%"

22. Page 271, line 19.
Following: "12%"
Insert: "of its market value"

23. Page 271, line 21.
Following: "of"
Insert: ": (a)"
Following: "12%"
Insert: "of its market value;"
Following: "or"
Insert: "(b)"

24. Page 272.
Following: line 4
Insert: "Section 226. Section 15-6-148, MCA, is amended to read:

"15-6-148. Class eighteen property — description — taxable percentage. (1) Class eighteen property includes all nonproductive patented mining claims outside the limits of an incorporated city or town held by an owner for the ultimate purpose of developing the mineral interests on the property. Class eighteen does not include any property that is used for residential, recreational as described in 70-16-301, or commercial as defined in 15-1-101, purposes, or if the surface is being used for other than mining purposes or has a separate and independent value for such other purposes.

(2) Improvements to class eighteen property that would not disqualify the parcel from designation as class eighteen property are taxed as otherwise provided in this title, including that portion of the land upon which such improvement are located and which is reasonably required for the use of such improvements.

(3) Class eighteen property must be valued as if such land were devoted to agricultural grazing use and is taxed at ~~30%~~ 29% of its value.""
Renumber: subsequent sections

25. Page 275, line 2.
Following: "residence"
Insert: "assessed and taxed as class four property under 15-6-134"

26. Page 322, line 6.
Strike: "197"
Insert: "190"

27. Page 330, line 11.
Strike: "187"
Insert: "180"

28. Page 330, line 13.
Strike: "187"
Insert: "180"

29. Page 330, line 14.
Strike: "188"
Insert: "181"
Strike: "196"
Insert: "189"

30. Page 330, line 17.
Strike: "188"
Insert: "181"

Strike: "196"
Insert: "189"

31. Page 330, line 18.
Strike: "197"
Insert: "190"
Strike: "201"
Insert: "194"

32. Page 330, line 20.
Strike: "197"
Insert: "190"
Strike: "201"
Insert: "194"

33. Page 330, line 21.
Strike: "202"
Insert: "195"

34. Page 330, line 23.
Strike: "202"
Insert: "195"

35. Page 331, line 19.
Strike: "187"
Insert: "180"

36. Page 331, line 20.
Strike: "197"
Insert: "190"
Strike: "201"
Insert: "194"

37. Page 331, line 22.
Strike: "188"
Insert: "181"
Strike: "196"
Insert: "189"
Strike: "202"
Insert: "195"

38. Page 331, line 24.
Strike: "197"
Insert: "190"
Strike: "201"
Insert: "194"
Strike: "203"
Insert: "196"
Strike: "271"
Insert: "265"

39. Page 332, line 1.
Strike: "1988"
Insert: "1987"

40. Page 332, line 2.
Strike: "1988"
Insert: "1987"

41. Page 332, line 3.
Strike: "1989"
Insert: "1988"

42. Page 332, line 5.
Strike: "272"
Insert: "266"
Strike: "277"
Insert: "271"

44. Page 332.
Following: line 6
Insert: "NEW SECTION. Section 272. Submission to electorate. The question of whether sections 1 through 265 of this act shall be submitted to the electors of Montana at the election called pursuant to section 273 by printing on the ballot the full title of this act and the following:

☐ FOR adoption of the Montana Economic and Tax Reform Act of 1987.

☐ AGAINST adoption of the Montana Economic and Tax Reform Act of 1987.

NEW SECTION. Section 273. Special election. Pursuant to Article III, sections 5 and 6, of the Constitution of the State of Montana, sections 1 through 265 shall be submitted to the people for their approval or disapproval at a statewide election to be held June 9, 1987.

NEW SECTION. Section 274. Transmittal to the attorney general — statements by attorney general. (1) The secretary of state shall, within 1 working day of receipt, transmit a copy of this act and a copy of the form in which the issue will appear on the ballot to the attorney general. The attorney general shall examine the ballot form submitted to his office and, within 7 days of receipt of the ballot form, notify the secretary of state of his approval or rejection of the ballot form.

(2) Upon receipt of the ballot form under subsection (1), the attorney general shall order a fiscal note, the substance of which must substantially comply with the provisions of 5-4-205. The budget director is responsible for preparing the fiscal note and shall return it within 4 days. The attorney general shall prepare a fiscal statement not exceeding 50 words, to be forwarded to the secretary of state at the same time he informs the secretary of state of his approval or rejection of the ballot form.

(3) Upon receipt of the ballot form, the attorney general shall prepare a statement, not exceeding 100 words, expressing an impartial explanation of the purpose of sections 1 through 265 in plain, easily understood language. The statement may not be an argument for or against or written to create a prejudice for or against the issue. The attorney general shall forward the explanatory statement prepared under this subsection to the secretary of state at the same time he informs the secretary of state of his approval or rejection of the ballot form.

NEW SECTION. Section 275. Secretary of state to certify form and voter information. (1) Thirty-five days or more before the special election, the secretary of state shall certify to each county election administrator the form in which the issue is to appear on the ballot, as provided by 13-27-501. Each of the county election administrators shall order the official ballot to be printed in the form certified by the secretary of state.

(2) At least 20 days prior to the election called under section 273, the secretary of state shall deliver or have delivered to the counties sufficient copies of sections 1 through 265 or a voter information pamphlet describing the provisions of sections 1 through 265, the fiscal note, and an explanatory statement prepared pursuant to [section 274], in such form as the secretary of state determines.

(3) The county election administrator shall mail one copy of the voter information required by subsection (2) to each registered voter in the county, except that, for purposes of this mailing, two or more voters with the same last name and the same mailing address may be counted as one voter. The mailing must take place no later than 1 week after the pamphlets are received from the printer.

(4) The secretary of state may contract for the printing and delivery of the voter information material under the immediate procurement provisions of 18-4-133(2).

NEW SECTION. Section 276. Absentee ballots. The county election administrator shall ensure that ballots are printed and available for absentee voting at least 10 days prior to the election.

NEW SECTION. Section 277. Determination of result of special election. (1) The votes on sections 1 through 265 must be counted and canvassed following procedures prescribed by the secretary of state.

(2) A report form for the abstract of votes shall be prepared by the secretary of state and sent to the county election administrators. The county election administrator shall provide the required information and shall send the abstract of votes to the secretary of state by certified mail in an envelope marked "special election returns". Such returns must be received by the secretary of state no later than 5 p.m. on the sixth day following the election.

(3) The board of state canvassers shall meet on the seventh day following the special election. The secretary of state, as secretary of the board of canvassers, shall prepare and file in his office a report of the canvass, which lists:

(a) the total number of electors voting in each county and in each legislative house district, together with the total number of electors voting in the state; and

(b) the votes by county and legislative house district for and against the issue, together with the total number of votes cast for and against the issue in the state.

(4) The secretary of state shall transmit a certified copy of the statement of the canvass to the governor and the code commissioner within 10 days following the special election.

NEW SECTION. Section 278. Application of election laws. (1) Except as provided in sections 1 through 7, the election called under section 2 must be conducted and canvassed and the results returned in the manner provided in Title 13 for a general election.

(2) The provisions of 13-2-301(1)(b), 13-12-201, 13-13-205, and Title 13, chapter 27, do not apply to the election called under section 273.

(3) The secretary of state shall publish notice of the election as provided in 13-1-108.

NEW SECTION. Section 279. Coordination instruction. If this act is passed by the legislature and submitted to the electorate at a referendum, section 270 shall be interpreted to mean that sections 1 through 265 must be submitted to the electorate, that sections 266 through 271 are effective on approval by the electorate, and sections 272 through 279 are effective on approval by the legislature."

And, as amended, do pass. Report adopted.

MOTIONS

The President ruled that the yellow copy of SB 307 be distributed to the Senate.

Senator Van Valkenburg moved that SB 307 be placed on second reading below HB 871 and that the Journal reflect that the President determined there was no objection from the floor to the form of the bill or to the lack of a fiscal note. Motion carried.

Senator Van Valkenburg moved that the rules be temporarily suspended to allow any Legislative or Department of Revenue budget officer designated by the respective Floor Leaders to assist the Senate during debate of SB 307. The President noted that the motion carried with unanimous consent.

Senator Neuman moved that the following names be removed from the list of sponsors on SB 307: Bengtson, Blaylock, Manning, Van Valkenburg, Neuman, Eck, Weeding, Spaeth, Quilici, Kadas, Bardanouve, Pistoria, Manuel, Peck, Harp, M. Williams, Lory, Keenan, Ream. Motion carried.

Senator Neuman moved that the following names be added to the list of sponsors of SB 307: Crippen (chief sponsor), McCallum, B. Brown. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 787 - Senator Regan moved that HB 787 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Beck, Hofman, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 870 - Senator Bengtson moved that HB 870 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Bishop, Galt, Keating, McCallum, Story.
Total 6

Excused: None.
Total 0

Absent or not voting: Kolstad, Tveit, Weeding.
Total 3

HB 871 - Senator Manning moved that HB 871 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 42

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: Farrell, Haffey, Hofman, Kolstad, Tveit, Weeding, Williams.
Total 7

SB 307 - Senator Neuman moved that SB 307, second reading copy, be amended as follows:

1. Page 1, line 6.
Strike: "BY REQUEST OF THE GOVERNOR"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Crippen moved that SB 307, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 27

Noes: Abrams, Blaylock, Boylan, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 878 - Senator Hager moved that HB 878 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Story, Thayer, Van Valkenburg, Vaughn, Williams, Yellowtail, Mr. President.
Total 37

Noes: Aklestad, Boylan, Gage, Hofman, Keating, McCallum, Pinsoneault, Stimatz, Walker, Weeding.
Total 10

Excused: None.
Total 0

Absent or not voting: Galt, McLane, Tveit.
Total 3

HB 888 - Senator Harding moved that HB 888 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Crippen, Eck, Farrell, Galt, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 36

Noes: Aklestad, Gage, Hammond, McCallum, Story, Thayer, Weeding.
Total 7

Excused: None.
Total 0

Absent or not voting: Bengtson, Boylan, Brown, Halligan, McLane, Severson, Mr. President.
Total 7

HB 901 - Senator Hammond moved that HB 901 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the rules be temporarily suspended to place SB 307 on third reading this day. Motion carried.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 307 passed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 27

Noes: Abrams, Blaylock, Boylan, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., April 11, 1987.

Motion carried.

Senate adjourned at 6:24 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana
April 11, 1987

Senate Chambers
State Capitol

Senate convened at 9:08 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eightieth legislative day, find the same to be correct.

Galt, Chairman

COMMUNICATIONS AND PETITIONS

HOUSE OF REPRESENTATIVES
STATE OF IDAHO
April 6, 1987

President of the Senate
State of Montana
Room 305, State Capitol
Helena, Montana 59620

Dear Sir:

The Idaho Legislature has adopted House Joint Memorial No. 8, which respectfully calls upon the United States government, the governments of our sister states and the government of this state to implement a national program of commercial nuclear power development that conforms to seven principles listed in the memorial, during the First Regular Session of the Forty-ninth Legislature.

I am pleased at this time to forward a printed copy of this Memorial for your consideration.

Sincerely,

Phyllis Watson
Chief Clerk

IN THE HOUSE OF REPRESENTATIVES
HOUSE JOINT MEMORIAL NO. 8
BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL TO THE PRESIDENT OF THE UNITED STATES, RONALD REAGAN, TO THE SECRETARY OF STATE, GEORGE P. SCHULTZ, TO THE SECRETARY OF ENERGY, JOHN S. HERRINGTON, TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES OF CONGRESS, TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN CONGRESS, AND TO THE GOVERNORS AND PRESIDING OFFICERS OF BOTH HOUSES OF THE STATE LEGISLATURES OF THE STATES OF ALASKA, ARIZONA, CALIFORNIA, COLORADO, HAWAII, MONTANA, NEVADA, NEW MEXICO, OREGON, UTAH, WASHINGTON, AND WYOMING.

We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the people of the State of Idaho having played an important role in the development of nuclear power as evidenced by the fact that the Idaho National Engineering Laboratory sets on the site that saw many of the key developments in the commercial nuclear power program and the birth of the Naval nuclear power program; and

WHEREAS, the people of Idaho have pursued the benefits of nuclear power with the sincere belief that properly developed and regulated nuclear power could offer clean, safe and secure power for our sons and daughters for many generations; and

WHEREAS, the dedication and knowledge of the people of Idaho has played a key role in the development of Naval nuclear power; the ability of nuclear power to meet the demanding requirements of service at sea while maintaining the highest standards of safety and reliability. In no small part, these achievements can be traced to the construction and testing of prototypes in Idaho. These prototypes have led to standard reactor designs that can be relied upon to provide the power necessary to meet the needs of our national defense. Long after the reactors which were born in Idaho went to sea, the people of Idaho have continued to train the Navy crews necessary to operate the reactors and do the development work and testing necessary to assure the continuing safety of the Naval reactors; and

WHEREAS, the commercial nuclear power industry has not reached its full potential and the construction of standard designs has not been implemented. The results are a decline in public confidence, decreases in plant availability, high production cost, and the suspension of new reactor ordering; and

WHEREAS, this situation threatens the economic health of some segments of the Idaho population and makes it more likely that there will be delays in developing and demonstrating reactors that meet the public requirements for an environmentally sound power source, with assured safety, economy and reliability.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we respectfully call upon the United States government, the governments of our sister states and the government of this state to implement a national program of commercial nuclear power development that conforms to the following seven principles:

1. The United States government must create an environment that fosters the development of the nuclear option. Legislation providing licensing reform and "Price-Anderson protection" must be enacted. The United States government should provide sites for prototype reactors and the United States Department of Energy should be responsible for the operation and testing of the prototypes. Electrical power from the prototype reactors should be made available by the United States government to utility companies.

2. The State of Idaho and its sister states must allow power generation by either major utilities or generating companies. Only specialized, experienced companies can insure that nuclear power plants are operated in accordance with uniform national standards and backed by an appropriate staff.

3. The State of Idaho must encourage the installation and testing of prototype reactors in Idaho.

4. Private industry must design and standardize reactors suitable for use throughout the country. The goals should be focused on smaller, simpler, more flexible plants with larger safety margins. Design and construction

practices should be adaptable to fixed price sales. Prefabrication in specialized off-site facilities should be encouraged.

5. Nuclear waste disposal should be managed in interim facilities until the advanced concepts being developed in Idaho and elsewhere have been fully explored. The opportunity to burn nuclear waste in specialized fast reactors must be carefully considered.

6. In every case, international experience should be incorporated into United States' developments. International licensing standards should be developed and put into use. Safety and reliability information should be shared on an international basis. Nuclear power is too important an item to be addressed only on a national basis.

7. The uranium industry in the United States must regain its viability if nuclear power is to provide the promise of energy independence. The "enrichment policies" of the United States government should be used to insure the survival of the domestic uranium mining business.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to President Ronald Reagan, to Secretary of State George P. Schultz, to the Secretary of Energy, John S. Herrington, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States, to the governors and the presiding officers of both houses of the state legislatures of the States of Alaska, Arizona, California, Colorado, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 4/11/87
HB 656, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 4/11/87
Recommend that at the end of business April 11, 1987, employment of the following be terminated:

Dawn Conklin ..... Page
Sandra Poston ..... Page
Beth Field ..... Page
Erika Swanson ..... Page
Scott Christiansen ..... Page
Mark Murphy ..... Page
Diana Loftus ..... Page
Michael Prather ..... Page

Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 4/10/87
HJR 45, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 4/10/87
HB 361, be concurred in. Report adopted.
HB 703, third reading copy, be amended as follows:

1. Title, lines 8 and 9.
Following: "METHOD" on line 8
Strike: ", THE NEW INVESTMENT TAXPAYER ELECTION,"

2. Title, line 10.
Following: "MCA;"

Insert: "TO IMPOSE A 7 PERCENT TAX RATE ON CORPORATIONS SUBJECT TO WORLDWIDE APPORTIONMENT AND ELIGIBLE TO MAKE A WATER'S-EDGE ELECTION; TO IMPOSE A 5 PERCENT SURCHARGE ON THE CORPORATE LICENSE OR INCOME TAX; AMENDING SECTION 15-31-121, MCA;"

3. Page 5, line 3.
Strike: "Eighty-five"
Insert: "Eighty"

4. Page 6, lines 1 through 9.
Following: "7." on line 1
Strike: remainder of line 1 through end of line 9
Insert: "Section 15-31-121, MCA, is amended to read:

"15-31-121. Rate of tax — minimum tax— surtax. (1) ~~The~~ Except as provided in subsection (2), the percentage of net income to be paid under 15-31-101 shall be 6 ¾% of all net income for the taxable period. The rate set forth in this ~~part~~ subsection (1) shall be effective for all taxable years ending on or after February 28, 1971. This rate is retroactive to and effective for all taxable years ending on or after February 28, 1971.

(2) For a taxpayer that is subject to worldwide apportionment and eligible to make a water's-edge election, the percentage of net income to be paid under 15-31-101 shall be 7% of all taxable net income for the taxable period, whether or not the taxpayer makes the water's-edge election.

~~(2)~~(3) Every corporation subject to taxation under this part shall, in any event, pay a minimum tax of not less than $50.

(4) After the amount of tax liability has been computed under subsections (1) through (3), each corporation subject to taxation under this part shall add as a surtax 5% of the tax liability, and the amount so derived is the amount due the state.""

5. Page 6, lines 11 and 13.
Following: "through"
Strike: "7"
Insert: "6"

6. Insert: "NEW SECTION." preceding "Section" in the following locations:
Page 1, line 14
Page 2, line 1
Page 3, lines 9 and 16
Page 4, line 11
Page 5, line 16
Page 6, lines 10, 15, 19, and 25

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE OTHER HOUSE

The House, on 4/10/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 219.

The Speaker appointed the following members:

Representative Patterson

Representative Phillips
Representative DeMars

The House, on 4/10/87, failed to concur in Senate amendments to HB 583 and appointed a Free Conference Committee to meet with a like committee from the Senate to confer on Senate amendments to HB 583.

The Speaker appointed the following members:

Representative Donaldson
Representative Sands
Representative Quilici

The House, on 4/10/87, dissolved the Conference Committee on House amendments to SB 256 and the Speaker appointed a Free Conference Committee to meet with a like committee from the Senate to confer on House amendments to SB 256.

The Speaker appointed the following members:

Representative Mercer
Representative Grady
Representative Russell

MOTIONS

Senator Mazurek moved that HB 861 on second reading on the 82nd legislative day, 4/13/87, be placed on second reading this day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Rasmussen in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 666 - Senator Crippen moved that HB 666 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 849 - Senator Walker moved that HB 849 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 863 - Senator Neuman moved that HB 863 be concurred in. The Chair ruled, without objection, that consideration on HB 863 be passed.

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Rasmussen moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 787 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Beck, Gage, Hofman, Smith, Story.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 870 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, Story.
Total 2

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 871 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 878 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, ~~Kolstad,~~ Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, ~~Smith,~~ Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, ~~Walker,~~ Williams, Yellowtail, Mr. President.
Total ~~39~~ 36

Noes: Aklestad, Beck, Boylan, Gage, Hammond, Hirsch, Hofman, Keating, Kolstad, McCallum, Pinsoneault, Smith, Walker, Weeding.
Total ~~11~~ 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 888 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 42

Noes: Aklestad, Boylan, Farrell, Gage, McCallum, Story, Thayer, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 901 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of Senators Kolstad, Smith, and Walker, and without objection, their votes on HB 878 were changed from yes to no.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 206. Motion carried.

The President appointed the following members:

Senator Boylan, Chairman
Senator Stimatz
Senator Rasmussen

Senators Bengtson, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Manning, Regan, Smith, Stimatz, Story, and Tveit excused at this time.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Rasmussen in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 873 - Senator Pinsoneault moved that HB 873 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hirsch, Hofman, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: None.
Total 0

Excused: Bengtson, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Manning, Regan, Smith, Stimatz, Story, Tveit.

Total 16

Absent or not voting: None.
Total 0

HB 163 - Senator Halligan moved that the Conference Committee Report on HB 163 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hirsch, Hofman, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: None.
Total 0

Excused: Bengtson, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Manning, Regan, Smith, Stimatz, Story, Tveit.
Total 16

Absent or not voting: None.
Total 0

HB 277 - Senator Halligan moved that the Conference Committee Report on HB 277 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hirsch, Hofman, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: None.
Total 0

Excused: Bengtson, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Manning, Regan, Smith, Stimatz, Story, Tveit.
Total 16

Absent or not voting: None.
Total 0

HB 837 - Senator Thayer moved that the Free Conference Committee Report on HB 837 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hirsch, Hofman, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: None.
Total 0

Excused: Bengtson, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Manning, Regan, Smith, Stimatz, Story, Tveit.
Total 16

Absent or not voting: None.
Total 0

HB 397 - Senator Halligan moved that the Governor's amendments to HB 397 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hirsch, Hofman, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: None.
Total 0

Excused: Bengtson, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Manning, Regan, Smith, Stimatz, Story, Tveit.
Total 16

Absent or not voting: None.
Total 0

HJR 44 - Senator Lynch moved that HJR 44 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hirsch, Hofman, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: None.
Total 0

Excused: Bengtson, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Manning, Regan, Smith, Stimatz, Story, Tveit.
Total 16

Absent or not voting: None.
Total 0

HB 861 - Senator Halligan moved that HB 861, third reading copy, be amended as follows:

1. Title, line 15.
Following: "GENERAL,"
Insert: "ATTORNEY GENERAL AND"

2. Page 2, line 23.
Following: "general,"
Insert: "the attorney general and"

3. Page 3, line 2.
Following: "general,"
Insert: "the attorney general and"

4. Page 4, line 17.
Following: "general,"
Insert: "attorney general and"

Amendment passed as follows:

Ayes: Abrams, Anderson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Hirsch, Lybeck, Lynch, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Beck, Galt, Hofman, McCallum, Severson, Thayer.
Total 7

Excused: Bengtson, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Manning, Regan, Smith, Stimatz, Story, Tveit.
Total 16

Absent or not voting: Kolstad.
Total 1

Senator Halligan moved that HB 861, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Bishop, Blaylock, Crippen, Eck, Farrell, Halligan, Hirsch, Hofman, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Anderson, Beck, Galt, Hager, Rasmussen, Thayer.
Total 7

Excused: Bengtson, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Manning, Regan, Smith, Stimatz, Story, Tveit.
Total 16

Absent or not voting: Brown, Neuman.
Total 2

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Rasmussen moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 1:00 p.m. Motion carried.

Senate recessed at 11:14 a.m.

Senate reconvened at 1:08 p.m.

Senator Van Valkenburg moved that the Senate authorize the Secretary of the Senate and the President of the Senate to deem any Committee Reports submitted on this day after adjournment to be deemed adopted on this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Regan.
Total 1

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 8:00 a.m., April 13, 1987.

Motion carried.

Senate adjourned at 1:25 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana
April 13, 1987

Senate Chambers
State Capitol

Senate convened at 8:04 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present except Williams, Yellowtail, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-first legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/13/87

Signed by the President at 10:30 a.m., 4/11/87:

HB 6	HB 207	HB 393	HB 417
HB 462	HB 470	HB 478	HB 486
HB 495	HB 868	HB 876	HJR 16
HJR 37			

Delivered to the Governor at 9:16 a.m., 4/11/87:

SB 51 SB 335

Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 4/13/87

Recommend that at the beginning of business April 13, 1987, the following be employed:

Heidi Holbrook ..... Page
Leslie Gilmore ..... Page
Kirk Ueland ..... Page
Jason Meyer ..... Page
Joe Schumacher ..... Page
Jeff Jensen ..... Page
Amy Silliman ..... Page
Jacqueline Crepeau ..... Page
Dena-Marie Pitcher ..... Page

Report adopted.

In accordance with a motion duly made and passed on the 81st legislative day, 4/11/87, the following Standing Committee Reports are hereby adopted:

FINANCE AND CLAIMS (Regan, Chairman) 4/11/87

HB 2, third reading copy, be amended as follows:

(Refer to Introduced Bill)
Strike everything after the enacting clause and insert:

Section 1. Title. This act may be cited as "The General Appropriations Act of 1987".

Section 2. Definitions. For the purposes of this act, unless otherwise stated, the following definitions apply:

(1) "Agency" means each state office, department, division, board, commission, council, committee, institution, university unit, or other entity or instrumentality of the executive branch, office of the judicial branch, or office of the legislative branch of state government.

(2) "Approving authority" means the governor or his designated representative for executive branch agencies; the chief justice of the supreme court for judicial branch agencies; appropriate legislative committees for legislative branch agencies; or the board of regents or its designated representative for the university system.

(3) "University system unit" means the board of regents, office of the commissioner of higher education, university of Montana at Missoula, Montana state university at Bozeman, Montana college of mineral science and technology at Butte, eastern Montana college at Billings, northern Montana college at Havre, western Montana college at Dillon, the agricultural experiment station with central offices at Bozeman, the cooperative extension service with central offices at Bozeman, the forestry and conservation experiment station with central offices at Missoula, or the bureau of mines and geology with central offices at Butte.

Section 3. Other funds to offset general fund. The approving authority shall decrease the general fund appropriation of the agency by the amount of funds received from other sources in excess of the appropriation provided in this act unless such action is expressly contrary to state or federal law, rule, or contract or unless the approving authority certifies that the services to be funded by the additional funds are significantly different from those for which the agency has received a general fund appropriation. If the general fund appropriation of an agency is decreased pursuant to this section, the appropriation for the fund in which excess funds are received is increased in the same amount as the general fund is decreased.

Section 4. Expenditure limit. Expenditures may not exceed appropriations.

Section 5. Budget requests. (1) Sufficient funds are appropriated in this act to enable each agency to submit its 1991 biennial budget request to the budget director and the legislative fiscal analyst pursuant to the time schedule established in 17-7-112(1). If any agency fails to submit its final, complete budget request by the deadlines established in 17-7-112(1), the expenditure authority granted in this act must be reduced or rescinded by the budget director unless the agency director certifies that an emergency situation has precluded a timely budget presentation and the budget director approves an extension of the deadlines, not to exceed 30 days.

(2) Employees added through the appropriation of federal or state special revenues or proprietary funds in this act may not be included in the current level budget presented to the 1989 legislature if their continued employment requires general fund support.

Section 6. Detailed budget information. Within 2 days after submission of the preliminary executive budget to the legislative fiscal analyst, the budget director shall give the legislative fiscal analyst the preliminary expenditure recommendations by object of expenditure to the second level of detail and by funding source detailed by accounting entity. Within 1 day after the legislative finance committee presents the budget analysis to the 51st legislature, the budget director and the legislative fiscal analyst shall mutually exchange expenditure recommendations by object of expenditure to the second level of detail and by funding sources detailed by accounting entity. This final information must be filed in the respective offices and available to members of the legislature and the general public.

Section 7. Operating budget. (1) Expenditures by a state agency must be made in substantial compliance with an operating budget approved by an approving authority as defined in 17-7-401. Substantial compliance means that no category in the approved operating budget may be exceeded by more than 5%. Appropriations are contingent upon approval of the operating budget by August 1 of each fiscal year. An approved original operating budget must comply with legislative intent as expressed in state law and legislative statements of intent. Legislative intent for the general appropriations act includes a formally adopted narrative that accompanies the act.

(2) Each operating budget must include expenditures for each agency program, detailed at least by the categories of personal services, operating expenses, equipment, benefits and claims, grants, transfers, and local assistance. Each agency shall record its operating budget and any approved changes on the statewide budget and accounting system. Forms used for changing an operating budget must reference the current fully completed and approved operating budget, show the proposed changes to the operating budget, and reference any other pending documents to change the operating budget.

Section 8. Program transfers. Unless prohibited by this act or by statute, the approving authority may approve agency requests to transfer appropriations between programs within each fund type within each fiscal year. The transfer amount may not exceed 5% of the total agency appropriation. All program transfers must be completed within the same fund from where the transfer originated. A request for a transfer accompanied by a justification explaining the reason for the transfer must be submitted by the requesting agency to the approving authority and the legislative fiscal analyst. Upon approval of the transfer, the approving authority shall inform the fiscal analyst of the approved transfer and the justification for the transfer.

Section 9. Reduction of appropriation. In the event of a shortfall in revenue, the governor may reduce any or all appropriations. No appropriation may be reduced by more than 15%. The following appropriations may not be reduced:

(1) payment of interest and retirement of state debt;

(2) the legislative branch;

(3) the judicial branch;

(4) school foundation program, including special education; or

(5) salaries of elected officials during their terms of office.

Section 10. PLANS FOR COORDINATING SERVICES. (1) Prior to using money appropriated in this act for grants or contracts for services to individuals, all executive departments, including the department of social and rehabilitation services, the department of health and environmental sciences, and the department of labor and industry, shall develop written plans for coordinating the services with similar services provided by other programs within the department or by other agencies.

(2) The plans must be prepared with an emphasis on reducing the amount of grant or contract money used for administrative costs and maximizing the amount of money used for benefits to individuals.

(3) The plans must be presented to the legislative finance committee before implementation.

Section 11. Access to records of contracting entities. (1) Unless a contract made with a nonstate entity complies with subsection (2), no money appropriated by this act may be expended for such contract. Such contract to provide a service to members of the public on behalf of the state may be either written or oral.

(2) A contract described in subsection (1) must contain a provision to allow access, for legislative audit and fiscal analysis, to the records of the contracting nonstate entity sufficient to determine whether the parties to the contract have complied with the terms of the contract. Such an audit and fiscal analysis require access to records necessary to carry out the legislative audit and analysis functions set out in Title 5, chapters 12 and 13.

(3) The state may unilaterally terminate any contract upon refusal by the contracting nonstate entity to allow access to its records necessary to carry out such a legislative audit or analysis.

Section 12. Coal tax trust income. Interest income from the coal tax constitutional trust fund established under Article IX, section 5, of the Montana constitution is hereby appropriated to the general fund for use during the biennium ending June 30, 1989. The portion of the general fund that represents this appropriation is appropriated to the department of commerce, the vocational-technical centers, and the university system.

Section 13. Severability. If any section, subsection, sentence, clause, or phrase of this act is for any reason held unconstitutional, such decision does not affect the validity of the remaining portions of this act.

Section 14. Audit costs. Amounts appropriated for audits may be transferred between fiscal years. Agencies shall reserve enough cash in each fund to pay for audit costs and shall to the maximum extent allowable under federal regulations charge audit costs to federal funds.

Section 15. Totals not appropriations. The totals shown in this act are for informational purposes only and are not appropriations.

Section 16. Appropriations. The following money is appropriated for the respective fiscal years:

A. GENERAL GOVERNMENT AND HIGHWAYS

	Fiscal 1988				Fiscal 1989			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
LEGISLATIVE AUDITOR									
1. Operations									
1,111,141	936,807			2,047,948	1,102,793	~~924,794~~			~~2,027,587~~
						926,544			2,029,337
2. Lottery Audit									
	74,256			74,256		53,456			53,456
3. Telephone Audit									
						8,000			8,000
4. Sunrise Audits									
						39,000			39,000
Total									
1,111,141	1,011,063			2,122,204	1,102,793	~~978,250~~			~~2,081,043~~
						1,027,000			2,129,793

Except for issuers of general obligation bonds that are payable solely by general fund revenues, each state bond issuer shall, upon issuance of the bonds, pay 30 cents per thousand of bonds, to be deposited in the state general fund for the purpose of funding a portion of the comprehensive annual financial report audit.

LEGISLATIVE FISCAL ANALYST									
1. Operations									
~~723,820~~				~~723,820~~	794,956				794,956

	Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
	718,820				718,820					
2. Consultants	20,000				20,000					
Total	~~743,820~~ 738,820				~~743,820~~ 738,820	794,956				794,956

Item 2 is a biennial appropriation.

LEGISLATIVE COUNCIL

1. Operations	1,574,430				1,574,430	1,940,593				1,940,593
2. Montana Code Annotated										
a. Operations		775,391			775,391					
b. Transfer to General Fund		200,000			200,000					
3. NCSL Dues	22,561				22,561	23,861				23,861
4. CSG Dues	20,150				20,150	20,750				20,750
5. NCSL and CSG Travel	~~37,500~~ 30,000				~~37,500~~ 30,000					
6. Interim Studies	20,000				20,000					
7. Forestry Task Force	8,000				8,000					
8. Revenue Oversight Committee	~~35,000~~ 30,000				~~35,000~~ 30,000					
9. Administrative Code Committee	14,000				14,000					
~~10. Capitol Building and Planning~~	~~5,000~~				~~5,000~~					
~~11~~ 10. Five-State Biennial Conference	4,100				4,100					
~~12~~ 11. Statewide Issues	20,000				20,000					
~~13~~ 12. Coal Tax Subcommittee		12,000			12,000					
~~14~~ 13. Montana-Western Canadian Provinces Boundary Advisory Committee	2,000				2,000					
Total	~~1,762,741~~ 1,745,241	987,391			~~2,750,132~~ 2,732,632	1,985,204				1,985,204

Items 2a and 5 through ~~14~~ 13 are biennial appropriations.

Item 2b is to be transferred to the general fund.

CONSUMER COUNSEL

1. Operations		745,716			745,716		744,336			744,336
2. Contract Services		100,000			100,000		100,000			100,000
Total		845,716			845,716		844,336			844,336

Item 2 is for expert witness fees for unanticipated cases.

ENVIRONMENTAL QUALITY COUNCIL

1. EQC Program	245,347				245,347	241,331				241,331
2. Water Policy Committee		~~126,200~~ 26,200			~~126,200~~ 26,200					
Total	245,347	~~126,200~~ 26,200			~~371,547~~ 271,547	241,331				241,331

Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total

Item 2 is a biennial appropriation.

~~The water policy committee of the legislature created in 85-2-105 shall contract with a qualified consultant or consultants who have no conflict of interest in the water adjudication process to review, analyze, and comment on the process and the results of the process, including but not limited to the various functions carried out by the department of natural resources and conservation, the practice and procedures being implemented by the water judges, and the need for legislative changes, if any.~~

JUDICIARY

1. Supreme Court Operations									
a. Operations									
1,314,812				1,314,812	1,311,767				1,311,767
b. Audit									
15,466				15,466					
2. Boards and Commissions									
181,719				181,719	181,623				181,623
~~3. Law Library~~									
~~511,307~~	~~18,075~~	~~40,963~~		~~570,345~~	~~502,114~~	~~18,075~~			~~520,189~~
3. Law Library									
511,307	18,075	40,963		570,345	502,114	18,075			520,189
~~4~~ 3 4. District Court Operations									
2,239,909				2,239,909	2,246,199				2,246,199
~~5~~ 4 5. Water Courts									
	469,581			469,581		469,664			469,664
Total									
~~4,263,213~~	~~487,656~~	~~40,963~~		~~4,791,832~~	~~4,241,703~~	~~487,739~~			~~4,729,442~~
~~3,751,906~~	~~469,581~~	~~0~~		~~4,221,487~~	~~3,739,589~~	~~469,664~~			~~4,209,253~~
4,263,213	487,656	40,963		4,791,832	4,241,703	487,739			4,729,442

GOVERNOR'S OFFICE

1. Executive Office Program									
a. Operations									
911,841	90,000	121,613		1,123,454	910,838	90,000	121,619		1,122,457
b. Audit									
12,889				12,889					
c. Contingency Funds									
25,000				25,000					
d. Uniform State Laws Commission									
4,000				4,000	4,000				4,000
2. Mansion Maintenance									
60,639				60,639	61,602				61,602
3. Air Transportation									
~~101,502~~				~~101,502~~	~~104,389~~				~~104,389~~
95,748				95,748	99,224				99,224
4. Office of Budget and Program Planning									
a. Operations									
653,373				653,373	708,984				708,984
b. Audit									
18,044				18,044					
5. Pacific Northwest Electric Power and Conservation Planning Council									
		317,038		317,038			317,155		317,155
6. Lieutenant Governor									
201,238				201,238	201,244				201,244
7. Citizens' Advocate Office									
47,627				47,627	47,570				47,570
8. Board of Visitors									
129,279				129,279	129,284				129,284
9. Montana Statehood Centennial Office									
	1,500,000			1,500,000		1,500,000			1,500,000
Total									
~~2,165,432~~	1,590,000	438,651		~~4,194,083~~	~~2,167,911~~	1,590,000	438,774		~~4,196,685~~
2,159,678				4,188,329	2,162,746				4,191,520

Any amount remaining in the proprietary fund account in the office of budget and program planning at fiscal year end 1987 collected for the payment of the statewide audit must be transferred to the general fund to partially fund the statewide audit in the legislative auditor's office in the 1989 biennium.

Item 1c is a biennial appropriation.

Item 1d is for membership dues to the uniform state laws commission.

The office of budget and program planning may establish transfer appropriations for vocational-technical centers and university units within the appropriate agency distribution program. This provision is to allow compliance with proper accounting of current unrestricted operations using the CUBA fund structure at individual units of education.

SECRETARY OF STATE

	Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
1. Records Management										
a. Operations										
	699,484	227,603			927,087	709,775	224,292			934,067
b. Audit										
	8,900				8,900					
2. Administrative Code										
a. Operations										
		190,850			190,850		153,095			153,095
b. Audit										
		2,700			2,700					
Total										
	708,384	421,153			1,129,537	709,775	377,387			1,087,162

If House Bill 901 does not pass, the general fund appropriation in item 2a is increased $30,600 in fiscal 1988 and in fiscal 1989.

COMMISSIONER OF POLITICAL PRACTICES

1. Administration										
	100,249	800			101,049	100,063	4,800			104,863
2. Audit										
	2,062				2,062					
Total										
	102,311	800			103,111	100,063	4,800			104,863

The commissioner of political practices is to charge a fee for the Summary of Contributions/Expenditures for Candidates/Committees booklet that is sufficient to recover the costs of printing and distribution of the booklet. Public libraries are exempt from the charge for the books. The proceeds from the sale of the booklet as well as the expenditures for the printing and distribution of the booklet must be accounted for in the state special revenue account already established for the purpose of collecting fees for reimbursement of copier charges. The amount appropriated for the cost of the booklet is $4,000 in fiscal 1989 only.

STATE AUDITOR

1. Central Management Division										
a. Operations										
	~~256,271~~				~~256,271~~	~~256,039~~				~~256,039~~
	~~217,719~~				~~217,719~~	~~217,501~~				~~217,501~~
	256,271				256,271	256,039				256,039
b. Audit										
	2,832				2,832					
2. Audit Division										
a. Operations										
	563,930	421,841			985,771	546,115	430,584			976,699
b. Audit										
	24,119	19,333			43,452					
c. Warrant Writing System Replacement										
	199,250				199,250					
3. Insurance Division										
a. Operations										
		716,740			716,740		714,064			714,064
b. Audit										
		8,107			8,107					
c. Added Personnel for Insurance Regulation										
		116,127			116,127		112,442			112,442
4. Securities Division										
a. Operations										
		273,759			273,759		268,514			268,514
b. Audit										
		2,835			2,835					
Total										
	~~1,046,402~~	1,558,742			~~2,605,144~~	~~802,154~~	1,525,604			~~2,327,758~~
	~~1,007,850~~				~~2,566,592~~	~~763,616~~				~~2,289,220~~
	1,046,402				2,605,144	802,154				2,327,758

Item 2c is a biennial appropriation.

Item 3c may be expended only if House Bill 372 passes.

DEPARTMENT OF JUSTICE

1. Legal Services										
a. Operations										
	769,153	22,035			791,188	765,685	21,890			787,575
b. Case-Related Travel										
	9,500				9,500	9,500				9,500
2. Indian Legal Jurisdiction										
a. Operations										

	Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
	65,579				65,579	65,657				65,657
b. Legal Fees and Expert Witness										
	100,000				100,000					
3. County Prosecutor Services										
	135,181				135,181	135,334				135,334
~~4. MONTCLIRC~~										
	~~72,925~~	~~18,230~~			~~91,155~~	~~72,925~~	~~18,230~~			~~91,155~~
~~5~~ 4. Agency Legal Services										
				492,562	492,562				493,454	493,454
~~6~~ 5. Driver Licensing Program										
a. Operations										
	~~1,862,585~~	~~380,693~~	~~15,000~~		~~2,258,278~~	~~1,850,876~~	~~377,701~~	~~15,000~~		~~2,243,577~~
	1,897,971	390,407	275,000		2,563,378	1,756,674	521,153	145,000		2,422,827
b. Commercial Vehicle Operator Licensing										
		55,900			55,900		129,800			129,800
~~7~~ 6. Highway Patrol										
a. Uniformed										
	~~8,772,307~~		191,500		~~8,963,807~~		~~8,871,472~~	191,500		~~9,062,972~~
	~~8,679,992~~				~~8,871,492~~		~~8,772,922~~			~~8,964,422~~
	8,709,992				8,901,492		8,802,922			8,994,422
b. Nonuniformed										
		305,803			305,803		305,561			305,561
c. Cadets										
		81,851			81,851		81,734			81,734
d. MCSAP										
			~~503,844~~		503,844			~~452,344~~		452,344
		71,633	432,211				61,333	391,011		
e. Communications Bureau										
		484,367			484,367		483,702			483,702
~~8~~ 7. Vehicle Registration										
a. Operations										
		1,905,923			~~1,905,923~~		~~1,893,572~~			~~1,893,572~~
			26,000		1,931,923		1,976,472			1,976,472
b. Renewal Notices										
		88,000			88,000		88,000			88,000
~~9~~ 8. Law Enforcement Services Administration										
	78,662				78,662	77,884				77,884
~~10~~ 9. County Attorney Payroll										
	924,317				924,317	937,463				937,463
~~11~~ 10. Law Enforcement Academy										
a. Operations										
		622,291			622,291		628,272			628,272
b. Training Handguns										
		3,500			3,500					
c. Additional Basic Course										
							15,984			15,984
~~12~~ 11. Fire Marshal										
	318,327				318,327	319,335				319,335
~~13~~ 12. Identification Program										
	236,734				236,734	233,088				233,088
~~14~~ 13. Criminal Investigators										
	180,805		116,616		297,421	165,527		102,348		267,875
~~15~~ 14. Criminal Investigation — Coal Board										
		145,864	649,832		795,696		129,136	680,044		809,180
~~16~~ 15. Central Services										
a. Operations										
	343,981	11,826			355,807	344,299	11,826			356,125
b. Audit										
	7,983	21,777	1,597	578	31,935					
~~17~~ 16. Data Processing Program										
	~~316,460~~	~~575,391~~			891,851	~~316,060~~	~~572,443~~			888,503
	0	891,851				0	888,503			
~~18~~ 17. Extradition and Transfer of Prisoners										
	147,321				147,321	147,337				147,337
~~19~~ 18. Forensic Science Division										
a. Operations										
	~~231,462~~	~~546,337~~			777,799	~~629,368~~	~~143,232~~			772,600
	143,835	633,964				143,232	629,368			
b. Equipment — Chromatographs/Fume Hoods										
		38,000			38,000					
Total										
	~~5,800,975~~	~~14,024,195~~	~~1,478,389~~	493,140	~~21,796,699~~	~~6,070,338~~	~~13,642,755~~	~~1,441,236~~	493,454	~~21,647,783~~
		~~14,003,513~~	~~1,406,756~~		~~21,704,384~~		~~13,605,538~~	~~1,379,903~~		~~21,549,238~~
	5,359,349	14,484,984	1,692,756		22,030,229	5,101,015	14,775,656	1,509,903		21,880,028

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total

Items 2b, ~~11b, 16b, and 19b~~ 10b, 15b, and 18b are biennial appropriations.

Item ~~7e~~ 6e is to operate the regional dispatch centers. The department of justice shall develop a cost allocation plan for the purpose of recovering the operational cost of regional dispatch centers from all user agencies on an equitable basis and shall submit the funding plan to the ~~51st legislature within the department's 1991 biennium budget request LEGISLATIVE FINANCE COMMITTEE BY JUNE 30, 1987~~ 51st legislature within the department's 1991 biennium budget request. It is the intent that after fiscal ~~1989 1987~~ 1989 the state special highway revenue account be reimbursed for services provided to user agencies that are not funded by the state special highway revenue account. ~~THERE IS INCLUDED IN ITEM 7E SPENDING AUTHORITY OF $121,091 IN FISCAL 1988 AND $120,925 IN FISCAL 1989 IN A USER FEE ACCOUNT FOR REIMBURSEMENT FROM USER AGENCIES FOR OPERATIONAL COSTS OF THE REGIONAL DISPATCH CENTERS.~~

~~If House Bill 492 and/or any other bill that adds revenue to the motor vehicle state special revenue account that is not specifically appropriated for another purpose becomes law, the increased revenue must cause a general fund reversion in items 17 and 19, replaced by motor vehicle state special revenue, except that a $125,000 motor vehicle account fund balance may be maintained.~~

~~The department shall negotiate to purchase the modular buildings occupied by the law enforcement academy and use funds appropriated in item 11. THERE IS APPROPRIATED FROM THE AMOUNT APPEARING IN ITEM 11 SUFFICIENT FUNDS FOR THE PURCHASE OF THE MOST COST-EFFECTIVE FACILITY AVAILABLE TO HOUSE THE MONTANA LAW ENFORCEMENT ACADEMY.~~

~~Item 11c may be expended only if House Bill 492 passes.~~

The department shall seek all possible alternatives in the state to lower the cost of building space for the forensic science division by the end of the 1989 biennium.

HIGHWAY TRAFFIC SAFETY

1. Operations	70,818	1,104,550		1,175,368		72,000	1,103,942		1,175,942
2. Audit	1,182	1,182		2,364					
Total	72,000	1,105,732		1,177,732		72,000	1,103,942		1,175,942

BOARD OF CRIME CONTROL

1. Operations	437,791	77,550	146,065	661,406	436,834	75,354	152,136	664,324
2. Audit	7,951		1,571	9,522				
3. Juvenile Justice Pass-Through Grants			142,500	142,500			142,500	142,500
4. Bureau of Justice Assistance Pass-Through Grants			396,000	396,000			396,000	396,000
5. Victims' Assistance Pass-Through Grants			224,000	224,000			224,000	224,000
6. Drug Enforcement/Education Pass-Through Grants			1,150,463	1,150,463			1,182,015	1,182,015
7. Crime Victims' Compensation	380,245	129,000		509,245		380,582	136,000	516,582
Total	445,742	457,795	2,189,599	3,093,136	436,834	455,936	2,232,651	3,125,421

Items 2 through 6 are biennial appropriations.

All remaining appropriation authority for the 1987 biennium federal pass-through grant authority is authorized to continue into fiscal 1988 and fiscal 1989.

Item 7 may be expended only if House Bill 309 passes.

The board of crime control is to charge tuition and fees for the juvenile training program appropriated in item 1 each year. The tuition and fees collected as well as charges for related expenditures are to be deposited into a state special revenue account.

DEPARTMENT OF REVENUE

1. Director's Office								
a. Operations	315,151	81,658		396,809	316,648	80,365		397,013
b. Audit	77,950	14,848	30,932	123,730				
c. Legal Bureau	219,734		47,870	267,604	219,049		48,600	267,649
2. Centralized Services	880,546		6,600	887,146	886,766	6,600		893,366
3. Data Processing Division	1,005,278		419,408	1,424,686	1,007,144		422,380	1,429,524

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
4. Investigations and Enforcement Division										
a. Administration										
	50,397		55,637	18,712	124,746	50,470		55,716	18,739	124,925
b. Investigations Program										
	31,509	~~12,950~~	129,685	~~299,222~~	~~473,366~~	25,460	~~19,200~~	129,683	~~299,606~~	~~473,949~~
		~~61,535~~		250,637			~~69,155~~		249,651	
		74,795			486,626		120,455			525,249
c. Child Support Enforcement										
	499,750		1,130,102		1,629,852	497,519		1,140,772		1,638,291
~~d. Video Poker~~										
		~~128,125~~			~~128,125~~		~~128,288~~			~~128,288~~
5. Income and Miscellaneous Tax Division										
	3,079,363	82,884			3,162,247	3,156,379	87,884			3,244,263
6. Natural Resources and Corporation Tax Division										
	1,106,908	57,048	122,128		1,286,084	1,107,619	57,048	122,128		1,286,795
7. Property Assessment Division										
a. Elected Assessors										
	~~769,479~~				~~769,479~~	~~770,886~~				~~770,886~~
	~~428,443~~				~~428,443~~	~~428,443~~				~~428,443~~
	769,479				769,479	770,886				770,886
b. Appraisers and Nonelected Assessors										
	~~7,875,721~~				~~7,875,721~~	~~7,944,693~~				~~7,944,693~~
	~~7,847,721~~				~~7,847,721~~	~~7,916,693~~				~~7,916,693~~
	8,114,206				8,114,206	8,182,783				8,182,783
c. Property Assessment — Helena										
i. Operations										
	362,527				362,527	354,058				354,058
ii. Railroad Appraisal										
	60,000				60,000	60,000				60,000
d. Property Assessment — Administration										
	551,651				551,651	551,005				551,005
8. Motor Fuels Tax Division										
		710,785			710,785		708,349			708,349
Total										
	~~16,885,964~~	~~1,088,298~~	1,444,152	~~816,144~~	~~20,234,558~~	~~16,947,696~~	~~1,081,134~~	1,454,899	~~789,325~~	~~20,273,054~~
	~~16,516,928~~	~~1,008,758~~		767,559	~~19,737,397~~	~~16,577,253~~	~~1,002,801~~		739,370	~~19,774,323~~
	17,124,449	1,022,018			20,358,178	17,185,786	1,054,101			20,434,156

Funds for resource indemnity trust projects approved by the 50th legislature in other state agencies are appropriated for transfer purposes to the extent that these funds are available.

Liquor division proprietary funds necessary to maintain adequate inventories of liquor and wine and to operate the state liquor operation are appropriated. During the 1989 biennium, the division shall attempt to return at least ~~13%~~ 10% of net sales. Net sales are gross sales less discounts and all taxes collected. The division shall limit operational expenses of the liquor merchandising system to not more than 15% of net sales. Operational expenses may not include product costs, freight charges, or expenses allocable to other divisions or licensing bureau expenses.

~~The appropriation for the income tax division includes 13 additional FTE. The agency is prohibited from including these 13 FTE in its current level budget request presented to the 1989 legislature.~~

Item 7cii is an appropriation to deal with legal issues arising under federal nondiscriminatory taxation acts such as the Tax Equity and Fiscal Responsibility Act, the Railroad Revitalization and Regulatory Reform Act, and any subsequent federal legislation that directs the state to take a nondiscriminatory posture in the taxation of entities doing business within the state. This appropriation may be used only for attorney fees, expert witnesses, and extraordinary expenses associated solely with resolving disputes related to such legal issues.

DEPARTMENT OF ADMINISTRATION

1. Director's Office									
	254,147			49,076	303,223	255,153			48,689	303,842
2. Governor-Elect Program										
						~~25,000~~				~~25,000~~
						5,000				5,000
3. Accounting Division										
a. Operations										
	~~800,138~~				~~800,138~~	~~786,709~~				~~786,709~~
	841,557				841,557	828,075				828,075
b. Audit										
	19,333				19,333					
4. Architecture and Engineering Division										
a. Operations										
		559,040		560,472	1,119,512		562,400		562,400	1,124,800
b. Audit										
		1,432			1,432					
5. Publications and Graphics Division										
a. Purchasing and Print Coordinator										
				2,033,844	2,033,844				2,034,093	2,034,093
b. Operations Program										
				1,129,984	1,129,984				1,399,877	1,399,877

	Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
c. Administration Program										
i. Operations				691,682	691,682				712,883	712,883
ii. Audit				8,907	8,907					
6. Information Services Division										
a. Resource Management Administration Program										
i. Operations				280,637	280,637				281,127	281,127
ii. Audit				35,449	35,449					
b. Central Computer Operations Program				~~5,532,217~~	~~5,532,217~~				~~5,426,025~~	~~5,426,025~~
				5,801,217	5,801,217				5,688,025	5,688,025
c. Information Center Program				447,458	447,458				447,969	447,969
d. Systems Development Program										
i. Operations				959,913	959,913				960,067	960,067
ii. Contract Programming				~~100,000~~	~~100,000~~					
				200,000	200,000					
e. Telecommunications										
i. Operations				7,879,201	7,879,201				7,960,693	7,960,693
ii. Audit				15,755	15,755					
f. 911 Emergency Service				76,671	76,671				76,671	76,671
7. General Services Division										
a. Operations	353,281			3,115,355	3,468,636	366,033			3,227,877	3,593,910
b. Audit				6,722	6,722					
c. Security	55,043				55,043	54,963				54,963
8. Purchasing Division										
a. Purchasing Bureau	403,942				403,942	404,406				404,406
b. Property and Supply Bureau										
i. Operations				2,872,774	2,872,774				2,873,757	2,873,757
ii. Audit				7,418	7,418					
9. Mail and Management Program										
a. Operations				1,127,863	1,127,863				1,226,129	1,226,129
b. Audit				2,623	2,623					
10. Treasury Central Services Division										
a. Operations	407,776			30,964	438,740	408,266			30,909	439,175
b. Audit	10,126				10,126					
~~11. Board of Investments~~										
~~a. Operations~~				~~851,638~~	~~851,638~~				~~839,197~~	~~839,197~~
~~b. Audit~~				~~77,331~~	~~77,331~~					
~~c. Termination Pay~~				~~15,000~~	~~15,000~~					
~~12~~ 11. Tort Claims Division										
a. Operations				2,194,094	2,194,094				2,171,525	2,171,525
b. Audit				2,663	2,663					
~~13~~ 12. Personnel Division										
a. Personnel Program	871,753				871,753	872,040				872,040
b. Group Benefits Program										
i. Operations	31,530			255,975	287,505	34,030			254,942	288,972
ii. Audit				510	510					
iii. Genetics				11,804	11,804				11,804	11,804
c. Training Program										
i. Operations	~~34,572~~			145,456	~~180,028~~	~~34,544~~			145,512	~~180,056~~
	0				~~145,456~~	0				~~145,512~~

	Fiscal 1988				Fiscal 1989			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
	34,572				180,028	34,544				180,056
ii. Audit				349	349					
~~14~~ 13. Workers' Compensation Court										
a. Operations		277,864			277,864		277,679			277,679
b. Audit		842			842					
c. Moving Costs		8,155			8,155					
d. Building Rent		19,500			19,500		19,500			19,500
~~15~~ 14. State Tax Appeal Board										
a. Operations										
	~~478,792~~				~~478,792~~	~~387,995~~				~~387,995~~
	~~540,272~~				~~540,272~~	~~449,475~~				~~449,475~~
	478,792				478,792	387,995				387,995
b. Manual Disparity Issue										
	33,750				33,750					
c. Hearings Officers										
	61,480				61,480					
~~16~~ 15. Public Employees' Retirement Division										
a. Operations										
				~~732,132~~	~~732,132~~				~~713,064~~	~~713,064~~
				738,267	738,267				714,774	714,774
b. Audit				32,221	32,221					
~~17~~ 16. Teachers' Retirement System										
a. Operations				402,400	402,400				397,093	397,093
b. Audit				19,333	19,333					
Total										
	~~3,754,183~~	866,833		~~31,705,891~~	~~36,326,907~~	~~3,629,139~~	859,579		~~31,802,303~~	~~36,291,021~~
	~~3,781,091~~			~~30,761,922~~	~~35,409,846~~	~~3,636,075~~			~~30,963,106~~	~~35,458,760~~
	3,857,082			31,137,057	35,860,972	3,650,505			31,226,816	35,736,900

The appropriation in item 4a in the proprietary column is appropriated from the capital projects fund.

Item 6dii is a biennial appropriation for contract programming.

The appropriation in item 7a in the proprietary column includes $58,801 in fiscal 1988 and $58,801 in fiscal 1989 from the capital projects fund.

~~Item 11c is termination pay for the current Chief Investment Officer in fiscal 1988.~~

Item ~~13biii~~ 12biii is the state's contribution for the voluntary statewide genetics program.

Items ~~14c and 14d~~ 13c and 13d are for moving costs and building rent if the court is forced to move from its present location.

The amounts listed in items ~~16 and 17~~ 15 and 16 are appropriated from the pension trust fund.

In item 7, the department may charge a maximum of $2.97 per square foot in fiscal 1988 and $3.08 per square foot in fiscal 1989. At the end of fiscal 1989, the maximum working capital the department may carry over is $320,000.

The department may expend available self-insurance reserves and revenues to pay any deficit that may be incurred for property or liability insurance premiums due and payable through June 30, 1989.

Item ~~15b~~ 14b is a biennial appropriation to be used only for state tax appeal board expenses directly related to settlement of the "34 percent" or manual disparity issue.

Item 14c is a biennial appropriation to satisfy the provisions of Senate Bill 122, which authorizes the state tax appeal board to contract and use hearings officers.

Funds remaining in the capitol land grant account of the capital projects fund, after the appropriation has been met for the general services division of the department of administration, are appropriated to the long-range building debt service fund for the payment of principal and interest on bonds issued for public buildings at the capitol for executive, legislative, and judicial purposes, as outlined in section 12 of The Enabling Act. This appropriation is for the biennium ending June 30, 1989, and is not to exceed the annual debt service required on these bonds.

DEPARTMENT OF HIGHWAYS

1. Construction						
	58,742,869	85,241,460	143,984,329	61,094,015	86,791,294	147,885,309
2. General Operations						
a. Operations						
	5,321,330	1,606,694	6,928,024	5,208,734	1,555,856	6,764,590
b. Audit						
	61,865		61,865			

	Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
3. Preconstruction		5,459,612	8,838,599		14,298,211		4,357,716	6,953,804		11,311,520
4. Service Revolving				2,903,023	2,903,023				2,882,715	2,882,715
5. Maintenance		40,613,889			40,613,889		40,865,147			40,865,147
6. Equipment		1,930,659		12,807,396	14,738,055		1,705,659		12,881,144	14,586,803
7. Motor Pool				787,608	787,608				701,709	701,709
8. Stores Inventory		13,602,298			13,602,298		13,672,810			13,672,810
9. Gross Vehicle Weight Division		3,497,307			3,497,307		3,503,362			3,503,362
Total		129,229,829	95,686,753	16,498,027	241,414,609		130,407,443	95,300,954	16,465,568	242,173,965

In the event additional federal highway funds become available, additional spending authority and additional FTE may be requested through budget amendment.

Funding may be transferred among all programs, including stores inventory, to reflect personal services expenditures.

The department is appropriated $15,023,916 in fiscal 1988 and $26,476,461 in fiscal 1989 for a cash transfer from the highway state special revenue accounts to the highway reconstruction trust account.

The department of highways is directed to submit to the 1989 legislature a construction work plan for the 1991 biennium that is detailed by year and project. This work plan must specify, by road system or project area, proposed projects on which $1 million or more would be spent during the 1991 biennium and an aggregate cost for projects with anticipated expenditures of less than $1 million. Costs must be detailed by year and project.

The legislature anticipates that the equipment program will receive, by budget amendment, spending authority from the proprietary fund account if gasoline costs exceed $1,519,802 in fiscal 1988 and $1,571,409 in fiscal 1989 due to increases in gasoline prices greater than a 1% increase per gallon from fiscal 1986 to fiscal 1988 and a 4.4% increase per gallon from fiscal 1986 to fiscal 1989.

The legislature anticipates that the motor pool will receive, by budget amendment, spending authority from the proprietary fund account if gasoline costs exceed $131,684 in fiscal 1988 and $136,169 in fiscal 1989 due to increases in gasoline prices greater than a 1% increase per gallon from fiscal 1986 to fiscal 1988 and a 4.4% increase per gallon from fiscal 1986 to fiscal 1989.

The department may adjust appropriations in the construction and preconstruction programs between fiscal years and funding sources to reflect actual expenditures related to the projected work plan.

The internal service program may request a budget amendment for $210,000 in fiscal 1988 or fiscal 1989 to overhaul the department's airplane.

The legislature anticipates that the maintenance division will receive, by budget amendment for each fiscal year of the 1989 biennium, spending authority for any funds in excess of $292,840 in each fiscal year that it collects from damage situations.

DEPARTMENT OF MILITARY AFFAIRS

1. Administration Program						
a. Operations	166,816	10,101	176,917	170,627	10,145	180,772
b. Audit	4,511		4,511			
2. Army National Guard	848,274	883,124	1,731,398	868,498	895,004	1,763,502
3. Air National Guard	119,185	1,173,214	1,292,399	125,671	1,204,677	1,330,348
4. Veterans' Affairs						
a. Operations	449,104	30,000	479,104	445,638	30,000	475,638
b. Audit	4,511		4,511			
5. Disaster Coordination						
a. Operations	219,055	239,438	458,493	219,001	239,383	458,384
b. Audit	3,265	3,265	6,530			
6. Emergency Management						
a. Operations		268,198	268,198		268,134	268,134
b. Audit		2,492	2,492			
7. Local Civil Defense Reimbursement		2,000,000	2,000,000		2,000,000	2,000,000
Total	1,814,721	4,609,832	6,424,553	1,829,435	4,647,343	6,476,778

TOTAL SECTION A

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
	~~40,850,376~~	~~152,767,671~~	~~106,994,071~~	~~49,513,202~~	~~350,125,320~~	~~41,059,332~~	~~152,326,963~~	~~106,619,799~~	~~49,550,650~~	~~349,556,744~~
	~~39,930,135~~	~~152,649,374~~	~~106,881,475~~	~~48,520,648~~	~~347,981,632~~	~~40,150,008~~	~~152,193,338~~	~~106,558,466~~	~~48,661,498~~	~~347,563,310~~
	40,721,880	153,062,180	107,208,438	48,895,783	349,888,281	40,344,300	153,481,581	106,688,466	48,925,208	349,439,555

B. HUMAN SERVICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES

	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
1. Director's Division										
	336,017		93,809		429,826	335,757		82,725		418,482
2. Centralized Services Division										
a. Operations										
	790,781	514,243	~~549,702~~		~~1,854,726~~	776,763	495,601	~~569,281~~		~~1,841,645~~
			~~532,704~~		~~1,837,728~~			~~551,285~~		~~1,823,649~~
			549,702		1,854,726			569,281		1,841,645
b. Audit										
	23,421		20,400		43,821					
c. Chemistry Lab Equipment										
		83,300			83,300					
d. Microbiology Lab Equipment										
		57,500			57,500					
e. Contingency Fund										
		50,000			50,000					
f. AIDS Testing										
	46,000				46,000	24,000				24,000
3. Environmental Sciences										
a. Operations										
	793,173	~~328,236~~	663,823		~~1,785,232~~	791,887	~~329,261~~	664,102		~~1,785,250~~
		121,236			1,578,232		121,261			1,577,250
b. Environmental Protection Fund										
		100,000			100,000					
c. Local Board Inspection Fees										
		250,000			250,000		250,000			250,000
4. Solid and Hazardous Waste Management										
a. Operations										
	75,734	1,220,360	6,102,261		7,398,355	76,181	1,212,055	7,261,758		8,549,994
b. Pre-CERCLA and Emergency Hazardous Waste										
		60,000			60,000					
5. Water Quality										
a. Operations										
	394,988	96,620	1,368,386		1,859,994	394,158	100,320	1,350,658		1,845,136
b. Wellhead Protection										
	66,667		200,000		266,667	66,667		200,000		266,667
6. Health Services and Medical Facilities Division										
	353,823	47,019	~~202,081~~		~~602,923~~	353,775	47,025	~~202,008~~		~~602,808~~
			~~198,243~~		~~599,085~~			~~198,469~~		~~599,269~~
			202,081		602,923			202,008		602,808
7. Family/Maternal and Child Health										
	30,635		~~11,726,980~~		~~11,757,615~~	31,013		~~11,998,964~~		~~12,029,977~~
			~~11,718,058~~		~~11,748,693~~			~~11,990,742~~		~~12,021,755~~
			11,726,980		11,757,615			11,998,964		12,029,977
8. Preventive Health										
	223,645		827,624		1,051,269	223,707		812,776		1,036,483
9. Licensing and Certification										
	368,558		514,618		883,176	367,630		513,418		881,048
10. Health Planning										
	176,106				176,106	170,483				170,483
Total										
	~~3,633,548~~	~~2,557,278~~	~~22,269,684~~		~~28,460,510~~	~~3,588,021~~	~~2,184,262~~	~~23,655,690~~		~~29,427,973~~
			~~22,239,926~~		~~28,430,752~~			~~23,625,933~~		~~29,398,216~~
	3,679,548	2,600,278	22,269,684		28,549,510	3,612,021	2,226,262	23,655,690		29,493,973

The total appropriation for the department includes $1,897,421 in fiscal 1988 and $1,897,421 in fiscal 1989 from the maternal and child health block grant. To the extent revenues from the grant exceed these amounts, they must be distributed to the counties ~~at the discretion of the~~. The director of the department~~;~~ of health may distribute these revenues based upon identifiable needs. To the extent revenues from the grant are less than these amounts, distributions to the counties must be reduced.

The total appropriation for the department includes $632,187 in fiscal 1988 and $632,187 in fiscal 1989 from the preventive health block grant. To the extent revenues from the grant exceed these amounts, they must be distributed at the discretion of the director of the department of health based upon identifiable needs. To the extent revenues from the grant are less than these amounts, the director of the department of health shall make program reductions.

If federal revenues exceed the amounts budgeted, the department may submit a budget amendment to include additional federal spending authority unless specifically prohibited by legislative action.

State and federal funds appropriated in items 2 through 9 include internal transfers of indirect charges. The amount of indirect charges collected for internal use by the department in excess of $390,000 in fiscal 1988 and $390,000 in fiscal 1989 for current programs must cause a like reversion to the general fund.

Item 2a includes $99,012 in fiscal 1988 and $77,231 in fiscal 1989 of vital statistics income. To the extent revenues exceed these amounts, it must cause a like reversion to the general fund. To the extent the vital statistics fund balance exceeds $10,000 at fiscal year ends 1988 and 1989, it must cause a like reversion to the general fund.

Item 2e is for supplies and materials and communications costs in excess of $99,258 in fiscal 1988 and $100,974 in fiscal 1989 in the microbiology and chemistry laboratories caused by additional reimbursable services.

General fund appropriated in item 9 is for operations of the licensing and certification bureau only. The department may transfer general fund into the licensing and certification bureau. No general fund may be transferred out of the licensing and certification bureau unless the governor requests general fund reductions of all state agencies.

Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
Items 2c, 2d, 2e, 3b, and 4b are biennial appropriations.									
Item 2f is a biennial appropriation for AIDS testing only. If federal funds become available for laboratory testing of AIDS, it will cause a like reversion to the general fund.									
Item 3c is for license fees to pay local boards of health for inspections of food establishments, accommodations, and camping facilities. No funds may be transferred out of this item. If the authority is inadequate to reimburse local boards, a budget amendment may be requested.									
DEPARTMENT OF LABOR AND INDUSTRY									
1. Employment Services Division									
a. Job Services									
		~~11,230,843~~		~~11,230,843~~			~~11,312,466~~		~~11,312,466~~
66,883		11,223,483		11,290,366	61,407		11,303,399		11,364,806
b. Unemployment Insurance									
		~~3,514,806~~		~~3,514,806~~			~~3,489,603~~		~~3,489,603~~
		3,512,517		3,512,517			3,486,867		3,486,867
c. Centralized Services									
			~~2,404,001~~	~~2,404,001~~				~~2,381,443~~	~~2,381,443~~
			2,403,349	2,403,349				2,380,650	2,380,650
d. Audit									
			58,946	58,946					
e. Job Training Partnership Act									
125,000		8,437,483		8,562,483	125,000		8,766,622		8,891,622
f. Employment Relations									
~~627,866~~	~~4,000~~	~~1,102,668~~	3,500	~~1,738,034~~	~~629,239~~	~~4,000~~	~~1,088,022~~	3,500	~~1,724,761~~
621,358	239,337	1,096,309		1,960,504	622,676	233,801	1,081,351		1,941,328
g. Employment Policy									
19,567		~~2,196,231~~		~~2,215,798~~			~~2,187,232~~		~~2,187,232~~
		2,195,283		2,214,850			2,186,075		2,186,075
h. Human Rights									
~~216,283~~		96,000		~~312,283~~	~~213,663~~		96,000		~~309,663~~
216,042				312,042	213,377				309,377
i. Commissioner's Office									
			156,408	156,408				156,599	156,599
j. General Assistance									
~~1,428,099~~				~~1,428,099~~	~~1,428,099~~				~~1,428,099~~
1,427,722				1,427,722	1,427,633				1,427,633
k. AFDC Day Care									
90,909				90,909	109,091				109,091
Total									
~~2,507,724~~	~~4,000~~	~~26,578,031~~	~~2,622,855~~	~~31,712,610~~	~~2,505,092~~	~~4,000~~	~~26,939,945~~	~~2,541,542~~	~~31,990,579~~
2,500,598	306,220	26,561,075	2,622,203	31,990,096	2,497,777	295,208	26,920,314	2,540,749	32,254,048
2. Workers' Compensation									
a. Administration									
	~~1,561,100~~	33,100		~~1,594,200~~		~~1,856,180~~	33,069		~~1,889,249~~
	1,574,318			1,607,418		1,857,391			1,890,460
b. Audit									
	41,585			41,585					
c. Legal Secretary									
	17,541			17,541		17,518			17,518
d. State Insurance Fund									
	3,604,890			3,604,890		3,669,794			3,669,794
e. Additional FTE									
	339,300			339,300		285,202			285,202
f. Insurance Compliance									
~~81,443~~	~~1,659,786~~			~~1,741,229~~	~~76,429~~	~~1,603,333~~			~~1,679,762~~
69,582	~~1,748,113~~			~~1,817,695~~	64,583	~~1,692,845~~			~~1,757,428~~
	1,915,918			1,985,500		1,836,103			1,900,686
g. Safety									
	796,127	91,349		887,476		798,431	91,807		890,238
Total									
~~81,443~~	~~8,020,329~~	124,449		~~8,226,221~~	~~76,429~~	~~8,230,458~~	124,876		~~8,431,763~~
69,582	~~8,108,656~~			~~8,202,687~~	64,583	~~8,319,970~~			~~8,509,429~~
	8,289,679			8,483,710		8,464,439			8,653,898

Item 1a includes federal spending authority for current level operations of all existing job service offices. If federal funds are less than these amounts, the department may seek a budget amendment to supplement federal funds with state unemployment assessments as provided in 39-51-404(4).

Item 2c is for the 1989 biennium only.

The human rights division may ask for a budget amendment of federal funds received for case processing and related travel up to $9,607 for fiscal 1988 and $9,593 for fiscal 1989. Any federal funds received for case processing and related travel in excess of $105,607 in fiscal 1988 and $105,593 in fiscal 1989 shall cause a like reversion of general fund.

The department shall seek federal funds for general assistance training program activities. ~~ANY FEDERAL FUNDS RECEIVED FOR THIS PURPOSE SHALL CAUSE A LIKE REVERSION OF GENERAL FUND.~~ The department shall offset allowable general fund work training project expenses with federal funds received to administer such programs.

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES										
1. Assistance Payments										
a. Operations										
	1,389,735		5,625,446		7,015,181	1,029,446		3,524,512		4,553,958
b. Benefits										
i. Legal Services										
	100,000				100,000	100,000				100,000
ii. State General Assistance										
	~~4,319,712~~				~~4,319,712~~	~~3,691,344~~				~~3,691,344~~
	3,932,568				3,932,568	3,447,576				3,447,576
iii. Aid to Families With Dependent Children										
	~~12,106,956~~		~~29,326,843~~		~~41,433,799~~	~~12,188,745~~		~~32,409,662~~		~~44,598,407~~
	11,033,494		26,726,580		37,760,074	11,413,301		30,347,772		41,761,073
iv. Other Benefits										
	305,804		14,135,711		14,441,515	307,361		14,444,518		14,751,879
Total										
	~~18,222,207~~		~~49,088,000~~		~~67,310,207~~	~~17,316,896~~		~~50,378,692~~		~~67,695,588~~
	16,761,601		46,487,737		63,249,338	16,297,684		48,316,802		64,614,486
2. Eligibility Determination										
	2,235,057		6,149,944		8,385,001	2,234,149		6,147,799		8,381,948
3. Administration and Support										
a. Operations										
	1,202,227		1,684,002		2,886,229	1,196,115		1,676,205		2,872,320
b. Legislative Audit										
	~~54,600~~		~~69,130~~		~~123,730~~					
	51,315		67,215		118,530					
Total										
	~~1,256,827~~		~~1,753,132~~		~~3,009,959~~	1,196,115		1,676,205		2,872,320
	1,253,542		1,751,217		3,004,759					
4. County Administration										
	934,967		338,380		1,273,347	918,972		338,604		1,257,576
5. Medical Assistance										
a. Operations										
	1,186,090		2,497,422		3,683,512	1,378,316		3,061,857		4,440,173
b. Benefits										
i. State Medical										
	~~6,000,000~~				~~6,000,000~~	~~6,000,000~~				~~6,000,000~~
	3,000,000				3,000,000	3,000,000				3,000,000
ii. Medicaid - Waiver, Elderly										
	~~899,966~~		~~1,994,745~~		~~2,894,711~~	~~841,782~~		~~2,052,929~~		~~2,894,711~~
	479,427		1,062,634		1,542,061	448,432		1,093,629		1,542,061
iii. Medicaid - Waiver, Disabled										
	420,539		932,111		1,352,650	393,350		959,300		1,352,650
~~iii~~ iv. Medicaid - Institutions										
	4,299,820		9,530,415		13,830,235	4,175,138		10,182,283		14,357,421
~~iv~~ v. Medicaid - Nursing Homes										
	14,800,705		32,805,295		47,606,000	14,119,794		34,435,206		48,555,000
~~v~~ vi. Medicaid - Primary Care										
	~~19,208,341~~	6,540,607	~~57,071,728~~		~~82,820,676~~	~~21,215,471~~	6,606,013	~~67,350,746~~		~~95,672,230~~
	19,130,953		56,900,198		82,571,758	21,138,236		67,662,386		95,406,635
~~vi~~ vii. Other Benefits										
	1,183,353		2,608,742		3,792,095	1,281,800		2,734,700		4,016,500
Total										
	~~47,578,275~~	6,540,607	~~106,508,347~~		~~160,627,229~~	~~49,012,301~~	6,606,013	~~120,317,721~~		~~175,936,035~~
	44,500,887		106,336,817		157,378,311	45,935,066		120,129,361		172,670,440
6. Audit and Program Compliance										
	576,930		703,252		1,280,182	576,982		704,370		1,281,352
7. Vocational Rehabilitation										
a. Operations										
	379,528		1,553,031		~~1,932,559~~	378,574		1,548,456		~~1,927,030~~
		83,445			2,016,004		78,213			2,005,243
b. Benefits										
	324,381	965,070	3,185,088		4,474,539	324,381	1,118,170	3,185,088		4,627,639
c. Supported Employment										
			947,080		947,080			845,517		845,517
Total										
	703,909	~~965,070~~	5,685,199		~~7,354,178~~	702,955	~~1,118,170~~	5,579,061		~~7,400,186~~
		1,048,515			7,437,623		1,196,383			7,478,399
8. Disability Determination										
			2,384,632		2,384,632			2,377,937		2,377,937
9. Visual Services										
a. Operations										
	121,523		487,969		609,492	121,401		487,479		608,880
b. Benefits										
	153,749		270,518		424,267	153,749		270,518		424,267
Total										

	Fiscal 1988				Fiscal 1989			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
275,272		758,487		1,033,759	275,150		757,997		1,033,147
10. Developmental Disabilities									
a. Operations									
279,841		917,890		1,197,731	~~280,458~~		~~908,722~~		~~1,189,180~~
					310,359		938,622		1,248,981
b. Benefits									
5,277,964		12,921,903		18,199,867	~~5,502,908~~		~~12,896,869~~		~~18,399,777~~
					5,846,843		13,517,746		19,364,589
Total									
5,557,805		13,839,793		19,397,598	~~5,783,366~~		~~13,805,591~~		~~19,588,957~~
					6,157,202		14,456,368		20,613,570
11. DDPAC									
a. Operations									
		203,596		203,596			121,976		121,976
b. Benefits									
		195,000		195,000			195,000		195,000
Total									
		398,596		398,596			316,976		316,976
TOTAL SRS									
~~77,341,249~~	~~7,505,677~~	~~187,607,762~~		~~272,454,688~~	~~78,016,886~~	~~7,724,183~~	~~202,400,953~~		~~288,142,022~~
72,799,970		184,834,054		~~265,139,701~~	74,294,275		200,801,480		~~282,819,938~~
	7,589,122			265,223,146		7,802,396			282,898,151

In each fiscal year, 10% of the low income energy block grant must be transferred to the social services block grant. If the transfer is greater than $1,103,548 in either fiscal year, a like amount of general fund must revert. Ten percent of the low income energy block grant must be used for the weatherization program in each fiscal year.

SRS is directed to implement a pilot percentage of income LIEAP project within the next biennium and report to the 51st legislature the feasibility of adopting such a system statewide.

Except for 5% in fiscal 1988 and 5% in fiscal 1989 that the department may use for administrative expenses, all other funds appropriated for the community services block grant must be allocated to the human resource development councils.

Funds appropriated under item 1bi are for a contract with the Montana legal services corporation to provide legal assistance to all general relief clients seeking eligibility for the federal supplemental security income program and to those current recipients of supplemental security income who have been notified of termination of benefits. The appropriation is intended to reduce the general assistance caseload by a minimum of 320 clients by the end of the 1989 biennium.

~~Any third-party payments or reimbursement from any source received by the department to offset costs of the foster care program, in excess of $350,000 in fiscal 1988 or $350,000 in fiscal 1989, must cause a general fund reversion of an amount equal to the excess payments or reimbursement.~~

The department may not consider donated or nondepartmental contracted funds obtained by developmental disabilities providers ~~or foster care providers~~ when allocating or contracting state payments for developmental disabilities services ~~or foster care services~~.

No FTE or spending authority may be transferred out of the eligibility determination program or the disability determination program.

Item 3b is a biennial appropriation.

Transfer of funds may be made among items 1bii, 5bi, ~~5biv, and 5bv~~ 5bv, and 5bvi. No funds may be transferred from these items to any other portion of the SRS budget.

~~The department shall not expend or reduce the amount, scope, or duration of the benefits available to recipients under the medicaid-other program during the 1989 biennium unless Title XIX of the federal Social Security Act is amended to require expansion or reduction of benefits as a condition of the state receiving federal financial participation. IN ACCORDANCE WITH 43-6-102, IT IS THE INTENT OF THE LEGISLATURE THAT IF FUNDS ARE INADEQUATE TO PROVIDE THE FULL ARRAY OF SERVICES DESCRIBED FOR THE MEDICAID PROGRAM AS DEFINED IN 53-6-101, THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES SHALL ESTABLISH PRIORITIES OF SERVICE AND TAKE SUCH ACTION AS NECESSARY TO MAINTAIN THE MEDICAID-PRIMARY CARE EXPENDITURES WITHIN THE APPROPRIATION.~~ The department shall not expand or reduce the amount, scope, or duration of the benefits available to recipients under the medicaid-other program during the 1989 biennium unless Title XIX of the federal Social Security Act is amended to require expansion or reduction of benefits as a condition of the state receiving federal financial participation. This provision does not prohibit the department from amending reimbursement procedures to contain costs, provided there are no reductions in the types of services provided to recipients or increases in the amount paid by recipients under copayment rules.

No funds may be transferred out of item ~~5biii~~ 5biv.

If collections of county mill levy funds from state-assumed counties exceed $6,540,607 in fiscal 1988 and $6,606,013 in fiscal 1989, excepting mill levy funds received from any county becoming state assumed after fiscal 1987, there must be a general fund reversion of an amount equal to the excess mill levy revenue.

Funds appropriated under item 11b must be expended for direct services in accordance with recommendations of the developmental disabilities planning and advisory council.

The department of social and rehabilitation services is urged to find ways to reduce current workers' compensation and unemployment insurance costs in its budget for personal care attendant services. These savings, if any, should be used to increase wages paid to those providing personal care attendant services.

Insofar as item 5bvi pertains to the optional medicaid service of inpatient psychiatric hospital services for individuals under age 21, as provided in 42 U.S.C. 1396d(a)(16), the appropriation is limited to the provision of services in psychiatric hospitals exclusively devoted to the care of ~~CHILDREN~~ individuals under age 21. This restriction does not prohibit payment for psychiatric services provided in a general inpatient hospital setting.

The department of social and rehabilitation services may request additional federal authority for work training programs through the budget amendment process. The department may contract with the department of labor to administer such programs.

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
TOTAL SECTION B										
	~~83,563,964~~	~~18,087,284~~	~~236,579,926~~	~~2,622,855~~	~~340,854,029~~	~~84,186,428~~	~~18,142,903~~	~~253,121,464~~	~~2,541,542~~	~~357,992,337~~
	~~79,010,824~~	~~18,175,611~~	~~233,776,460~~		~~333,585,750~~	~~80,451,971~~	~~18,232,415~~	~~251,492,234~~		~~352,718,162~~
	79,049,698	18,785,299	233,789,262	2,622,203	334,246,462	80,468,656	18,788,305	251,502,360	2,540,749	353,300,070
C. NATURAL RESOURCES										
PUBLIC SERVICE COMMISSION										
1. Operations										
	1,686,876		33,491	15,000	1,735,367	1,679,762		35,134	15,000	1,729,896
2. Audit										
	13,404				13,404					
3. Consultants										
	11,967				11,967					
4. Computer Consultant										
	57,000				57,000					
Total										
	1,769,247		33,491	15,000	1,817,738	1,679,762		35,134	15,000	1,729,896

Item 3 is a biennial appropriation.

If the governor exercises the reduction of appropriation authorized in section 9 during the 1989 biennium, item 4 is not to be reduced, but rather the reductions are to be taken from items 1, 2, or 3 of the department's budget.

DEPARTMENT OF LIVESTOCK										
1. Central Services										
a. Operations										
	55,068	346,304			401,372	54,659	344,711			399,370
b. Audit										
	2,591	14,680			17,271					
2. Diagnostic Laboratory										
	300,222	371,513			671,735	305,330	378,356			683,686
3. Disease Control										
		492,868			492,868		491,731			491,731
4. Milk and Egg Program										
	203,948		20,000		223,948	205,160		20,000		225,160
5. Inspection and Control										
		2,058,015			2,058,015		2,078,118			2,078,118
6. Beef and Pork Research and Marketing										
			75,000		75,000			75,000		75,000
7. Predatory Animal Control										
		267,776			267,776		271,287			271,287
8. Rabies Control										
	45,113	15,000			60,113	45,113	15,000			60,113
Total										
	606,942	3,566,156	95,000		4,268,098	610,262	3,579,203	95,000		4,284,465
DEPARTMENT OF AGRICULTURE										
1. Centralized Services										
a. Operations										
	~~213,022~~	~~213,180~~	~~50,675~~	~~25,917~~	~~502,794~~	~~219,642~~	~~208,591~~	~~38,511~~	~~25,106~~	~~491,850~~
	~~218,920~~	~~215,339~~	~~52,374~~	~~26,788~~	~~513,421~~	~~226,111~~	~~210,375~~	~~40,156~~	~~25,821~~	~~502,463~~
	242,558	223,505	71,526	30,226	567,815	252,481	217,284	46,935	28,809	545,509
b. Audit										
	21,911				21,911					
2. Hail Insurance										
				160,131	160,131				156,969	156,969
3. Wheat Research and Marketing										
			1,360,198		1,360,198			1,360,491		1,360,491
4. Environmental Management										
	613,589	153,544	184,554		951,687	612,823	142,615	243,830		999,268
5. Plant Industry										
	~~417,807~~	495,694	32,023	33,289	~~978,813~~	~~417,756~~	494,081	33,271	33,490	~~978,597~~
	422,997				984,003	422,945				983,787
6. Agriculture Development Division										
	~~102,664~~	41,594	~~40,300~~	71,253	~~255,811~~	~~99,182~~	41,419	~~45,300~~	72,874	~~258,775~~
	~~87,204~~		~~30,300~~		~~180,351~~	~~87,222~~		~~35,300~~		~~186,815~~
	107,664		40,300		260,811	104,182		45,300		263,775
Total										
	~~1,368,993~~	~~904,012~~	~~1,667,750~~	~~290,590~~	~~4,231,345~~	~~1,349,402~~	~~886,706~~	~~1,721,403~~	~~288,439~~	~~4,245,950~~
	~~1,309,431~~	~~906,171~~	~~1,659,449~~	~~291,461~~	~~4,166,512~~	~~1,293,911~~	~~888,490~~	~~1,713,048~~	~~289,154~~	~~4,184,603~~
	1,408,719	914,337	1,688,601	294,899	4,306,556	1,392,431	895,399	1,729,827	292,142	4,309,799

Fiscal 1988					Fiscal 1989				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total

The program in item 3 is to promote both the development of markets for Montana wheat and barley and intensive scientific and practical research into all phases of wheat and barley culture, production, and use. The wheat research and marketing unit is attached to the department for administrative purposes only. The department director is an ex-officio member of the wheat research and marketing committee.

Within proprietary funds appropriated to the department are revenues received under the provisions of 80-2-221 for hail insurance and 80-2-103 for rural development. Amounts included are:

		Fiscal 1988	Fiscal 1989
Section 80-2-221, MCA	Item 1a	~~$ 19,732~~	~~$ 18,347~~
		~~$ 20,603~~	~~$ 19,062~~
		$ 24,041	$ 22,050
	Item 2	160,131	156,969
Section 80-2-103, MCA	Item 1a	6,185	6,759
	Item 6	71,253	72,874

The general fund loan authorized for the establishment of the beginning farm loan program in House Bill 447 of the 48th legislature is forgiven.

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
DEPARTMENT OF STATE LANDS										
1. Central Management										
a. Operations										
	~~993,678~~	157,885	89,282	191,781	~~1,432,626~~	~~996,672~~	114,559	89,282	190,319	~~1,390,832~~
	1,025,678				1,464,626	1,028,672				1,422,832
b. Audit										
	32,221				32,221					
2. Reclamation										
a. Operations										
	85,057	1,033,887	6,932,286		8,051,230	84,177	1,012,474	6,922,728		8,019,379
b. Hard-Rock Reclamation										
		100,000			100,000					
3. Land Administration										
	571,921				571,921	567,235				567,235
4. Resource Development										
		273,185			273,185		293,433			293,433
5. Forestry										
	~~5,245,065~~	1,245,692	1,713,849		~~8,204,606~~	~~5,210,325~~	1,259,453	1,654,861		~~8,124,639~~
	~~5,127,065~~				~~8,086,606~~	~~5,091,497~~				~~8,005,811~~
	5,245,065				8,204,606	5,210,325				8,124,639
Total										
	~~6,927,942~~	2,810,649	8,735,417	191,781	~~18,665,789~~	~~6,858,409~~	2,679,919	8,666,871	190,319	~~18,395,518~~
	~~6,841,942~~				~~18,579,789~~	~~6,771,581~~				~~18,308,690~~
	6,959,942				18,697,789	6,890,409				18,427,518

Item 2a contains a budget modification for three new hard-rock mining positions. If the number of hard-rock mining applications in May 1988 is less than the number in May 1987, the department shall eliminate one of the modified positions.

Item 2b is a biennial appropriation. The funds appropriated in item 2b may not be used for any research activities.

Item 5 contains $3,440,190 in fiscal 1988 and $3,443,679 in fiscal 1989 for pre-fire suppression costs.

DEPARTMENT OF FISH, WILDLIFE, AND PARKS									
1. Centralized Services									
a. Operations									
	~~1,787,055~~	278,235	1,910,736	~~3,976,026~~		~~1,848,982~~	269,821	2,081,686	~~4,200,489~~
	1,801,255			3,990,226		1,862,582			4,214,089
b. Audit									
	51,554			51,554					
c. Legislative Contract Authority									
		25,000		25,000			25,000		25,000
2. Field Services Division									
a. Operations									
	1,847,537	274,267		2,121,804		1,762,237	262,326		2,024,563
b. Legislative Contract Authority									
		45,000		45,000			45,000		45,000
c. Kalispell Regional Headquarters Rent									
	72,000			72,000					
3. Fisheries									
a. Operations									
	2,756,308	1,280,267		4,036,575		2,782,335	1,200,844		3,983,179
b. Legislative Contract Authority									
		920,000		920,000			920,000		920,000
4. Law Enforcement									
a. Operations									
	~~3,732,246~~	16,147		~~3,748,393~~		~~3,710,902~~	15,842		~~3,726,744~~
	~~3,684,168~~			~~3,700,315~~		~~3,662,824~~			~~3,678,666~~
	3,696,188			3,712,335		3,697,824			3,713,666
b. Legislative Contract Authority									
		138,474		138,474			138,790		138,790
5. Wildlife									
a. Operations									
	~~2,658,150~~	2,256,873		~~4,915,023~~		~~2,604,810~~	2,256,891		~~4,861,701~~
	2,662,150			4,919,023		2,612,810			4,869,701
b. Legislative Contract Authority									
		1,165,000		1,165,000			1,165,000		1,165,000
6. Parks Program									
	2,947,038	445,000	273,345	3,665,383		2,932,286	445,000	265,469	3,642,755
7. Conservation Education									
	~~1,079,262~~	139,525		~~1,218,787~~		~~1,074,042~~	139,525		~~1,213,567~~
	~~1,068,695~~			~~1,208,220~~		~~1,063,491~~			~~1,203,016~~
	1,108,854			1,248,379		1,084,442			1,223,967
8. Administration									
a. Operations									
	~~731,073~~	155,834		~~886,907~~		~~783,905~~	149,049		~~932,954~~
	781,073			936,907		833,905			982,954
b. Legislative Contract Authority									

Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
		25,000		25,000			25,000		25,000
Total									
	~~17,662,223~~	7,164,622	2,184,081	~~27,010,926~~		~~17,499,499~~	7,058,088	2,347,155	~~26,904,742~~
	~~17,603,578~~			~~26,952,281~~		~~17,440,870~~			~~26,846,113~~
	17,723,957			27,072,660		17,568,421			26,973,664

The appropriation for the legislative contract authority in items 1c, 2b, 3b, 4b, 5b, and 8b is subject to the following provisions:

1. Legislative contract authority applies only to federal and private funds.

2. Legislative contract authority expenditures must be reported on state accounting records. The records must be separate from current level operations.

3. A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year of the biennium. The report must include the following:

a. a description of the additional services provided by each grant of federal or private funds;

b. an evaluation of the effectiveness of the additional services relating to each grant.

Items 1b and 2c are biennial appropriations.

No funds may be used for lawsuits between state agencies in which the department is a plaintiff unless it has been approved by written consent of the governor.

The department shall not use funds in accounts created by 15-35-108 or 23-1-105 to acquire wildlife habitat.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

1. Centralized Services								
a. Operations								
981,687	~~355,995~~	~~210,757~~		1,548,439	1,013,227	~~355,806~~	~~225,954~~	1,594,987
	350,859	215,893				350,717	231,043	
b. Audit								
30,933				30,933				
2. Oil and Gas								
a. Operations								
	798,478			798,478		818,894		818,894
b. Microfilming								
	20,000			20,000				
c. Litigation								
	5,000			5,000				
3. Conservation Districts								
a. Operations								
	648,332	2,703		651,035		649,833	2,703	652,536
b. Streambank Reclamation								
	30,000			30,000				
4. Water Resources								
a. Operations								
~~2,349,513~~	~~2,214,859~~	69,675		~~4,634,047~~	~~2,366,003~~	~~2,190,331~~	69,675	~~4,626,009~~
2,234,629	2,099,976			4,404,280	2,251,263	2,075,592		4,396,530
b. State Water Projects								
	800,000			800,000				
c. Middle Creek								
		4,040,000		4,040,000				
d. Powder River Negotiations								
	35,500			35,500				
e. Poplar River Monitoring								
15,650				15,650	15,650			15,650
f. Reserved Water Rights Compact Commission								
114,884	114,883			229,767	114,740	114,739		229,479
5. Energy Division								
a. Operations								
438,152	1,274,512	1,056,319		2,768,983	451,118	1,273,399	993,871	2,718,388
b. Lake Broadview Mitigation								
		40,000		40,000				
c. Rock Creek Mitigation								
		1,650,000		1,650,000				
d. Chevron Oil Overcharge								
		15,500		15,500				
Total								
3,815,935	~~6,182,676~~	~~7,084,954~~		17,083,565	3,845,998	~~5,288,263~~	~~1,292,203~~	10,426,464
	6,177,540	7,090,090				5,283,174	1,297,292	

Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total

Items 2b, 2c, 4b, 4c, 5b, 5c, and 5d are biennial appropriations.

The department is authorized up to $500,000 from the account established in 76-14-112 for rangeland loans during the 1989 biennium.

Item 3a contains $220,000 for each year of the biennium for conservation district grants for distribution as specified in 76-15-530. Any funds reverted from unexpended grant funds are authorized for distribution as grants as specified in 76-15-530.

~~If the department receives notice of funding from the Bonneville power administration for technical assistance or the Montana power company for builder training, such notice is considered an emergency under the provisions of 17-7-403.~~

The energy division is authorized to spend up to $40,000 it may receive from the Bonneville power administration for technical assistance and up to $50,000 it may receive from the Montana power company for builder training, and such funds are appropriated for those purposes.

~~Of the funds appropriated in item 4c, not more than $584,788 for each year of the biennium may be used for adjudiciation of pre-July 1, 1973, water rights.~~

If House Bill 621 is not enacted, the general fund appropriation for item 1a is increased by $68,500 in fiscal 1988 and by $83,700 in fiscal 1989, and the ~~state~~ federal special revenue appropriation in item 1a is reduced by corresponding amounts.

DEPARTMENT OF COMMERCE

1. Business Licensing and Regulation - Program Support									
	93,059		59,789	152,848		93,059		59,937	152,996
2. Weights and Measures Bureau									
	437,858			437,858	436,178				436,178
3. Financial Division									
	790,952			790,952		785,373			785,373
4. Milk Control Bureau									
	281,749			281,749		279,598			279,598
5. Professional and Occupational Licensing									
	~~1,717,914~~		714,478	~~2,432,392~~		~~1,720,174~~		706,154	~~2,426,328~~
	~~1,776,611~~			~~2,491,089~~		~~1,771,899~~			~~2,478,953~~
	1,846,166			2,560,644		1,835,579			2,541,733
6. Aeronautics Division									
	~~610,884~~	75,000	62,083	~~747,967~~		~~611,379~~		62,083	~~673,462~~
	~~609,188~~			~~746,271~~		~~609,683~~			~~671,766~~
	659,465			796,548		659,960			722,043
7. Transportation Division									
a. Operations									
539,626	71,250	2,753,930		3,364,806	536,444	71,250	1,816,000		2,423,694
b. Rail Assistance									
		501,905		501,905					
8. Business Assistance									
~~A. OPERATIONS~~									
~~686,692~~	~~30,114~~	581,226		~~1,298,032~~	~~683,219~~	~~59,257~~	639,513		~~1,381,989~~
~~0~~	~~728,007~~			~~1,309,233~~	~~0~~	~~750,949~~			~~1,390,462~~
686,692	30,114			1,298,032	683,219	59,257			1,381,989
~~B. BUSINESS PACKAGING GRANTS~~									
	~~95,000~~			~~95,000~~		~~100,000~~			~~100,000~~
~~C. MONTANA AMBASSADORS LOANED EXECUTIVE PROGRAM~~									
	~~68,000~~			~~68,000~~		~~90,000~~			~~90,000~~
~~D. VALUE-ADDED COMMISSION~~									
	~~20,000~~			~~20,000~~		~~30,000~~			~~30,000~~
~~E. ONE-STOP BUSINESS LICENSING~~									
	~~5,000~~			~~5,000~~					
~~F. BUSINESS RECRUITMENT PROJECT~~									
	~~20,000~~			~~20,000~~					
9. Montana Promotion									
	4,575,215	350,000		4,925,215		4,672,834	350,000		5,022,834
10. Housing Division									
		10,032,634		10,032,634			10,032,792		10,032,792
11. Hard-Rock Mining Board									
a. Administration									
	104,085			104,085		103,633			103,633
b. Hard-Rock Mitigation and Arbitration									
	1,026,288			1,026,288		1,211,934			1,211,934
12. Coal Board									
	862,668			862,668		148,782			148,782
13. Community Development									
	214,748	5,447,656		5,662,404	213,995		5,446,515		5,660,510
14. Local Government Systems									
a. Administration									
	86,208		168,716	254,924	86,208			166,857	253,065
b. Local Government Block Grant									
	8,836,000			8,836,000		9,414,000			9,414,000
c. District Court Reimbursement									
~~2,500,000~~				~~2,500,000~~	~~2,500,000~~				~~2,500,000~~

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
	433,337				433,337	433,337				433,337
d. County Planning										
		299,000			299,000		311,000			311,000
15. Local Government Administration										
				98,666	98,666				98,233	98,233
16. Building Codes										
		1,170,240			1,170,240		1,312,662			1,312,662
17. Office of Economic Analysis										
	242,347		40,000		282,347	237,410		40,000		277,410
18. Local Government Audit Service										
	43,560			984,407	1,027,967	43,546			975,234	1,018,780
19. Indian Affairs Coordinator										
	84,629				84,629	81,208				81,208
20. Health Facility Authority										
a. Operations										
				120,098	120,098				119,161	119,161
b. Audit										
				3,222	3,222				3,222	3,222
21. Montana Science and Technology Alliance										
a. Operations										
		1,345,000			1,345,000		1,410,000			1,410,000
b. Seed Capital Program Operations										
				72,549	72,549				105,060	105,060
~~C. UNIVERSITY RESEARCH AND DEVELOPMENT GRANTS~~										
		~~896,757~~			~~896,757~~		~~933,156~~			~~933,156~~
22. Board of Housing										
				1,068,773	1,068,773				1,066,961	1,066,961
23. Board of Investments										
a. Operations										
				1,323,267	1,323,267				1,360,660	1,360,660
b. Audit										
				85,064	85,064					
c. Termination Pay										
				15,000	15,000					
~~23~~ 24. Lottery										
a. Operations										
				~~25,010,000~~	~~25,010,000~~				~~25,100,000~~	~~25,100,000~~
				24,935,744	24,935,744				25,046,544	25,046,544
b. Audit										
				74,256	74,256				53,456	53,456
~~24~~ 25. Board of Horseracing										
		240,302			240,302		233,346			233,346
26. Video Poker										
		~~2,907,845~~			~~2,907,845~~		~~2,937,405~~			~~2,937,405~~
		2,999,805			2,999,805		3,025,405			3,025,405
~~25~~ 27. Director's Office Management Services										
a. Operations										
	~~121,189~~			729,035	~~850,224~~	~~117,103~~			726,724	~~843,827~~
	120,214				849,249	116,128				842,852
b. Audit										
				67,021	67,021					
Total										
	~~4,956,857~~	~~22,054,720~~	19,782,351	~~29,158,837~~	~~75,952,765~~	~~4,935,311~~	~~22,438,281~~	18,324,820	~~29,189,626~~	~~74,888,038~~
	~~2,202,527~~	~~26,822,216~~		30,582,168	~~79,389,262~~	~~2,184,454~~	~~27,270,563~~		30,550,286	~~78,330,123~~
	2,889,219	25,231,358			78,485,096	2,867,673	25,627,672			77,370,451

Fiscal 1988					Fiscal 1989				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total

Item 11b may be expended only for the purposes as detailed in 90-6-307, 90-6-311, 90-6-321, and 90-6-304(1). No transfers may be made in or out of item 11b.

The hard-rock mining board shall report to the legislature any expenditures from the hard-rock mitigation and arbitration account.

If the board of milk control receives a petition to establish a state pooling arrangement as a method of paying producer prices, the department may request a budget amendment for additional operating costs for holding hearings and establishing the pool. Receiving of such a petition is considered to be an emergency under the provisions of 17-7-403.

If a computerized adaptive testing program becomes mandatory in fiscal 1989, the board of nursing may request a budget amendment to cover the costs of implementing the program. If computerized adaptive testing becomes mandatory, this is considered an emergency under the provisions of 17-7-403.

The transportation division may request budget amendment authority to add a maximum of three FTE to be funded entirely with federal funds.

Item 7a includes no less than $95,000 per year for costs associated with the McCarty Farms case.

Should the economy improve to the point where there is a need for more building standard inspectors, a maximum of three FTE, operating costs, and equipment may be added by budget amendment to the building codes division.

If bonding activity increases in the 1989 biennium, a budget amendment may be requested to cover the additional bonding costs.

The department shall develop a one-stop business licensing proposal that must be submitted to the 1989 legislature.

The board of horseracing may request a budget amendment for the cost of implementing harness racing in Montana. Such a request shall be considered to meet the emergency provisions of 17-7-403.

The board of outfitters may request a budget amendment for the cost of implementing and enforcing the outfitter licensing laws of the state. Such a request must be considered to meet the emergency provisions of 17-7-403.

Under item 21a, the state special revenue appropriation is limited to the revenue received into the alternative energy account, established by 90-4-103, from the coal tax revenue allocated to the account from 15-35-108.

Item 21b shall be expended only if House Bill 700 is passed.

The board of investments may utilize designated commissions paid on the purchase and sale of securities for products and services customarily provided by brokers for such transactions according to applicable securities industries rules and regulations and Montana statutes. The board will make a report to the 51st legislature on the use of the designated commissions.

Item 23c is termination pay for the current chief investment officer in fiscal 1988.

~~Item 7b is a biennial appropriation. ITEMS 7B, 8E, 8F, AND 23B ARE BIENNIAL APPROPRIATIONS.~~

~~IF HOUSE BILL 862 IS NOT ENACTED, THE GENERAL FUND APPROPRIATIONS FOR ITEM 8A ARE INCREASED BY $686,692 IN FISCAL 1988 AND BY $683,219 IN FISCAL 1989. THE STATE SPECIAL REVENUE APPROPRIATION FOR ITEM 8A IS TO BE REDUCED BY $697,893 IN FISCAL 1988 AND BY $691,692 IN FISCAL 1989.~~

~~If House Bill 862 is not enacted, items 8b, 8c, 8d, 8e, and 8f are eliminated.~~

Items 7b and 23b are biennial appropriations.

If House Bill 890 is not enacted, the appropriation in item 14c shall be $2,500,000 of general fund for each year of the biennium.

The $150,000 general fund loan to the Montana economic development board which is due to be repaid by fiscal year end 1987 is extended to June 30, 1989.

TOTAL SECTION C

~~19,445,916~~	~~53,180,436~~	~~44,563,585~~	~~31,840,289~~	~~149,030,226~~	~~19,279,144~~	~~52,371,871~~	~~37,193,519~~	~~32,030,539~~	~~140,875,073~~
~~16,546,024~~	~~57,886,310~~	~~44,560,420~~	~~33,264,491~~	~~152,257,245~~	~~16,385,968~~	~~57,142,219~~	~~37,190,253~~	~~33,391,914~~	~~144,110,354~~
17,450,004	56,423,997	44,589,572	33,267,929	151,731,502	17,286,535	55,633,788	37,207,032	33,394,902	143,522,257

D. DEPARTMENT OF INSTITUTIONS

CENTRAL OFFICE

1. Director's Office									
376,401				376,401	377,277				377,277
2. Management Services Division									
a. Management Services									
867,437				867,437	821,689				821,689
b. Audit									
~~132,789~~	~~4,171~~	~~7,112~~	~~5,792~~	~~149,864~~					
143,932	4,521	7,709	6,278	162,440					
3. Alcohol and Drug Abuse Division									
215,200	341,564	~~1,101,854~~		~~1,658,618~~	215,200	326,700	~~1,101,854~~		~~1,643,754~~
		1,290,800		1,847,564			1,290,800		1,832,700

	Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
4. Corrections Division										
a. Central Office										
i. Operations	3,629,593	1,000			3,630,593	3,640,609	1,000			3,641,609
ii. Equipment	40,000				40,000					
b. Women's Corrections	782,476				782,476	788,829				788,829
c. Corrections Medical	867,114				867,114	883,457				883,457
d. Montana State Prison										
i. Care and Custody — Operations	12,562,609	51,424	120,641		12,734,674	12,801,624	51,424	94,772		12,947,820
ii. Ranch and Dairy Operations				1,228,480	1,228,480				1,277,736	1,277,736
iii. License Plate Factory Operations		484,321			484,321		496,117			496,117
iv. Industries Operations				678,311	678,311				701,903	701,903
v. Canteen Operations		600,000			600,000		700,000			700,000
vi. Industries Training Operations	173,015		36,496	221,579	431,090	163,881		34,330	221,579	419,790
e. Swan River Forest Camp										
i. Operations	837,854	86,383	38,902		963,139	848,631	86,617	27,898		963,146
ii. Equipment	8,000				8,000					
5. Mental Health Division										
a. Central Office										
i. Operations	4,108,977		1,249,805		5,358,782	4,108,940		1,249,806		5,358,746
b. Montana Developmental Center										
i. Operations	11,689,951	13,626	42,661		11,746,238	11,852,130	13,626	44,384		11,910,140
ii. Equipment	50,000				50,000					
c. Center for the Aged										
i. General Operations	2,637,888	9,735			2,647,623	2,649,528	9,735			2,659,263
ii. Equipment	25,000				25,000					
d. Eastmont										
i. General Operations	~~2,229,779~~	4,000			~~2,233,779~~	~~2,248,146~~	4,000			~~2,252,146~~
	~~2,205,017~~				~~2,209,017~~	~~2,223,251~~				~~2,227,251~~
	2,229,779				2,233,779	2,248,146				2,252,146
ii. Equipment	10,000				10,000					
e. Veterans' Home										
i. General Operations	542,000	20,764	1,636,773		2,199,537	552,504	20,764	1,650,215		2,223,483
f. Montana State Hospital										
i. General Operations	19,826,836	1,740,583	3,775		21,571,194	20,146,957	1,729,533	3,775		21,880,265

Within item 4, transfers may be made between line items in excess of 5% of the total appropriation authority in each line item upon approval of the governor or his designated representative.

If the amounts billed and paid, including volume discount rebates, for the corrections division's workers' compensation costs are less than $876,796 in fiscal 1988 and $979,198 in fiscal 1989, the balance must revert to the appropriate fund.

Within item 5, transfers may be made between line items in excess of 5% of the total appropriation authority in each line item upon approval of the governor or his designated representative.

If the amounts billed and paid, including volume discount rebates, for the mental health division's workers' compensation costs are less than $3,114,215 in fiscal 1988 and $3,191,394 in fiscal 1989, the balance must revert to the appropriate fund.

Items 4aii, 4c, 4eii, 5bii, 5cii, and 5dii are biennial appropriations.

The department is authorized to maintain a fund balance of not more than $15,000 at the end of each fiscal year in the prison industries training proprietary account. Any funds in excess of $15,000 in the proprietary account are subject to the provisions of section 3.

6. Board of Pardons										
	160,439				160,439	160,441				160,441
Total										
	160,439				160,439	160,441				160,441

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
DEPARTMENT OF FAMILY SERVICES										
1. Management Support										
a. Operations										
	440,890		257,092		697,982	463,954		269,062		733,016
b. Legislative Audit										
	~~25,268~~		~~14,732~~		~~40,000~~					
	28,806		16,794		45,600					
Total										
	~~466,158~~		~~271,824~~		~~737,982~~	463,954		269,062		733,016
	469,696		273,886		743,582					
2. Social Services										
a. Operations										
	~~6,888,744~~		~~2,316,063~~		~~9,204,807~~	~~6,891,741~~		~~2,317,052~~		~~9,208,793~~
	6,920,671		2,326,796		9,247,467	6,920,120		2,326,593		9,246,713
b. Benefits										
	~~7,473,511~~	89,000	7,316,208		~~14,878,719~~	~~7,546,576~~	89,000	7,343,637		~~14,979,213~~
	7,503,511				14,908,719	7,576,576				15,009,213
Total										
	~~14,362,255~~	89,000	~~9,632,271~~		~~24,083,526~~	~~14,438,317~~	89,000	~~9,660,689~~		~~24,188,006~~
	14,424,182		9,643,004		24,156,186	14,496,696		9,670,230		24,255,926
3. Mountain View School										
a. Operations										
	1,730,990	15,982	107,846		1,854,818	1,747,299	14,982	107,950		1,870,231
~~b. Legislative Audit~~										
	~~9,240~~				~~9,240~~					
~~c~~ b. Equipment										
	3,000				3,000					
Total										
	~~1,743,230~~	15,982	107,846		~~1,867,058~~	1,747,299	14,982	107,950		1,870,231
	1,733,990				1,857,818					
4. Pine Hills School										
a. Operations										
	~~2,848,740~~	59,169	~~510,722~~		3,418,631	~~2,873,834~~	59,260	~~510,722~~		3,443,816
	~~2,833,740~~		~~525,722~~			~~2,858,834~~		~~525,722~~		
	2,848,740		510,722			2,873,834		510,722		
~~b. Legislative Audit~~										
	~~12,096~~				~~12,096~~					
~~c~~ b. Equipment										
	2,000				2,000					
Total										
	~~2,862,836~~	59,169	~~510,722~~		~~3,432,727~~	~~2,873,834~~	59,260	~~510,722~~		3,443,816
	~~2,835,740~~		~~525,722~~		3,420,631	~~2,858,834~~		~~525,722~~		
	2,850,740		510,722			2,873,834		510,722		
5. Aftercare Services										
a. Operations										
	399,026		2,800		401,826	399,080		2,800		401,880
b. Equipment										
	30,000				30,000					
Total										
	429,026		2,800		431,826	399,080		2,800		401,880
6. Youth Evaluations										
	146,292				146,292	146,173				146,173
Total										
	146,292				146,292	146,173				146,173
Total										
	~~20,009,797~~	164,151	~~10,525,463~~		~~30,699,411~~	~~20,068,657~~	163,242	~~10,551,223~~		~~30,783,122~~
	~~19,976,999~~		~~10,542,525~~		~~30,683,675~~	~~20,053,657~~		~~10,566,223~~		
	20,053,926		10,538,258		30,756,335	20,127,036		10,560,764		30,851,042

Items ~~3c, 4c~~ 3b, 4b, and 5b are biennial appropriations.

Any third-party payments or reimbursement from any source received by the department to offset costs of the foster care program, in excess of $350,000 in fiscal 1988 or $350,000 in fiscal 1989, must cause a general fund reversion of an amount equal to the excess payments or reimbursement.

The department may not consider donated or nondepartmental contracted funds obtained by foster care providers when allocating or contracting state payments for foster care services.

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
MONTANA ARTS COUNCIL										
1. Administration										
	103,972		396,450		500,422	105,011		401,377		506,388
2. Artists-in-the-Schools										
	15,143				15,143	15,143				15,143
3. Audit										
	6,200		5,400		11,600					
Total										
	125,315		401,850		527,165	120,154		401,377		521,531
MONTANA STATE LIBRARY										
1. Reference and Information										
	534,475	299,000	762,477		1,595,952	520,199	311,000	720,085		1,551,284
2. Audit										
	14,177				14,177					
~~3. LAW LIBRARY~~										
	~~415,257~~	~~18,075~~	~~40,963~~		~~474,295~~	~~412,703~~	~~18,075~~			~~430,778~~
~~3~~ 4 3. Natural Heritage Program										
		130,461	6,500		136,961		107,979	22,637		130,616
Total										
	~~548,652~~	~~429,461~~	~~768,977~~		~~1,747,090~~	~~520,199~~	~~418,979~~	742,722		~~1,681,900~~
	~~963,909~~	~~447,536~~	~~809,940~~		~~2,221,385~~	~~932,902~~	~~437,054~~			~~2,112,678~~
	548,652	429,461	768,977		1,747,090	520,199	418,979			1,681,900

The amounts included in item 1 in the federal special revenue column represent Library Services and Construction Act funds that may be transferred between fiscal 1988 and 1989.

Amounts in item ~~3~~ 4 3 represent a biennial appropriation.

MONTANA HISTORICAL SOCIETY										
1. Administration										
a. Operations										
	~~423,520~~		59,810		~~483,330~~	~~429,174~~		59,926		~~489,100~~
	425,760				485,570	431,418				491,344
b. Audit										
	14,113				14,113					
2. Library Program										
	154,194		26,074		180,268	154,151		16,074		170,225
3. Museum Program										
	~~205,056~~		165,442		~~370,498~~	~~205,018~~		131,304		~~336,322~~
	207,379				372,821	207,342				338,646
4. Publications Program										
a. Operations										
	41,320			~~479,352~~	~~520,672~~	41,320			~~514,316~~	~~555,636~~
				484,927	526,247				519,880	561,200
b. Audit										
				1,160	1,160					
5. Photo Archives										
	~~80,989~~		22,600		~~103,589~~	~~81,631~~		17,000		~~98,631~~
	81,319				103,919	81,961				98,961
6. Historical Sites Preservation Program										
a. Operations										
	~~60,862~~		760,395		~~821,257~~	~~59,498~~		761,630		~~821,128~~
	65,729				826,124	64,359				825,989
b. Audit										
	650		3,410		4,060					
7. Archives Program										
	130,949		2,500		133,449	131,186		2,500		133,686
8. Education Program										
			~~52,203~~		~~52,203~~			~~52,140~~		~~52,140~~
			53,549		53,549			53,484		53,484
Total										
	~~1,111,653~~		~~1,092,434~~	~~480,512~~	~~2,684,599~~	~~1,101,978~~		~~1,040,574~~	~~514,316~~	~~2,656,868~~
	1,121,413		1,093,780	486,087	2,701,280	1,111,737		1,041,918	519,880	2,673,535
TOTAL SECTION D										
	~~83,568,775~~	~~3,951,183~~	~~17,026,743~~	~~2,614,674~~	~~107,161,375~~	~~84,070,831~~	~~4,021,737~~	~~16,942,930~~	~~2,715,534~~	~~107,751,032~~
	~~83,937,615~~	~~3,960,608~~	~~17,085,365~~	~~2,615,160~~	~~107,607,748~~	~~84,443,639~~	~~4,039,812~~	~~16,957,930~~		~~108,156,915~~
	83,633,807	3,951,533	17,230,427	2,620,735	107,436,502	84,138,969	4,021,737	17,142,761	2,721,098	108,024,565

E. OTHER EDUCATION

BOARD OF PUBLIC EDUCATION

1. Board Administration

	Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
a. Operations										
	104,834				104,834	104,755				104,755
b. Audit										
	2,578				2,578					
c. Interim Study on Adequacy and Cost of Accreditation Standards										
	47,100				47,100	50,725				50,725
Total										
	~~107,412~~				~~107,412~~	~~104,755~~				~~104,755~~
	154,512				154,512	155,480				155,480
2. Fire Services Training School										
a. Operations										
	196,814		2,000	12,000	210,814	199,440		2,000	12,000	213,440
b. Audit										
	2,578				2,578					
Total										
	199,392		2,000	12,000	213,392	199,440		2,000	12,000	213,440
3. Montana School for the Deaf and Blind										
a. Administration										
	179,849				179,849	179,838				179,838
b. General Services										
	248,725				248,725	259,536				259,536
c. Student Services										
	~~686,096~~		35,000		~~721,096~~	~~691,805~~		35,000		~~726,805~~
	702,295				737,295	707,991				742,991
d. Education										
	~~909,039~~		~~373,370~~		1,282,409	~~907,878~~		~~372,926~~		1,280,804
	932,039		350,370			930,878		349,926		
e. Audit										
	18,044				18,044					
Total										
	~~2,041,753~~		~~408,370~~		~~2,450,123~~	~~2,039,057~~		~~407,926~~		~~2,446,983~~
	~~2,064,753~~		385,370			~~2,062,057~~		384,926		
	2,080,952				2,466,322	2,078,243				2,463,169

To the extent interest income collections from school trust lands exceed amounts appropriated of $177,000 in fiscal 1988 and $177,000 in fiscal 1989, there will be a dollar-for-dollar reversion of general fund.

OFFICE OF PUBLIC INSTRUCTION

1. Chief State School Officer									
	124,190		21,568		145,758	124,062		13,068		137,130
2. Basic Skills									
	~~852,788~~	~~237,905~~	122,514		~~1,213,207~~	~~854,869~~	~~237,944~~	122,651		~~1,215,464~~
	~~848,468~~	~~254,446~~			~~1,225,428~~	855,549	~~250,484~~			~~1,228,684~~
	853,468	237,905			1,213,887		237,944			1,216,144
3. Vocational Education										
	~~274,812~~		~~389,077~~		~~663,889~~	~~274,467~~		~~388,881~~		~~663,348~~
	178,167		274,085		452,252	177,974		274,044		452,018
4. Administrative Services										
a. Operations										
	~~849,051~~	437,612	617,759		~~1,904,422~~	~~852,423~~	437,493	617,920		~~1,907,836~~
	870,397				1,925,768	873,767				1,929,180
b. Audit										
	38,666				38,666					
5. Special Services										
a. Operations										
	131,488		1,332,804		1,464,292	131,388		1,332,392		1,463,780
b. Audiology										
	310,200				310,200	310,200				310,200
~~6. VOCATIONAL TECHNICAL CENTER JOB TRAINING AND EQUIPMENT PROGRAMS~~										
		~~597,838~~			~~597,838~~		~~622,104~~			~~622,104~~
Total										
	~~2,581,195~~	~~675,517~~	~~2,483,722~~		~~5,740,434~~	~~2,547,409~~	~~675,437~~	~~2,474,912~~		~~5,697,758~~
	~~2,576,875~~	~~1,289,896~~			~~6,350,493~~	~~2,548,089~~	~~1,310,081~~			~~6,333,082~~
	2,506,576	675,517	2,368,730		5,550,823	2,472,940	675,437	2,360,075		5,508,452

State and federal funds appropriated in items 1 through 5 include internal transfers of indirect costs. The amount of indirect costs in excess of $408,612 in fiscal 1988 and $408,493 in fiscal 1989 that is recovered must cause a like reversion to the general fund.

~~IF HOUSE BILL 862 IS NOT ENACTED, ITEM 6 IS ELIMINATED.~~

The office of public instruction shall use its best efforts, including legal proceedings if necessary, to collect by June 30 county surplus revenues under 20-9-331 and 20-9-333.

	Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
OFFICE OF PUBLIC INSTRUCTION — DISTRIBUTION TO SCHOOLS										
1. School Transportation	6,200,918				6,200,918	6,200,918				6,200,918
2. School Lunch	594,751				594,751	594,751				594,751
3. Gifted and Talented Grants	~~95,000~~ 100,000				~~95,000~~ 100,000	~~95,000~~ 100,000				~~95,000~~ 100,000
4. Secondary Vocational Education	400,000				400,000	400,000				400,000
5. Adult Basic Education		147,523			147,523		147,523			147,523
6. Special Education	27,361,646				27,361,646	27,361,646				27,361,646
7. Special Education Contingency	500,000				500,000	500,000				500,000
8. State Impact Payments	5,000				5,000	5,000				5,000
Total	~~35,167,315~~ 35,162,315	147,523			~~35,304,838~~ 35,309,838	~~35,167,315~~ 35,162,315	147,523			~~35,304,838~~ 35,309,838

All revenues received in the state traffic education account under the provisions of 20-7-504 are appropriated to be distributed as provided in 20-7-506.

Items 4 and 7 are biennial appropriations.

Item 7, a biennial appropriation, is for emergencies that may arise in special education programs in local districts. A district board of trustees may apply for an allocation from these funds by presenting to the superintendent of public instruction, for each child, a child-study team report and an individual education plan relating to this unforeseen expense and a current listing of program, caseloads, and related costs. The contingency appropriation is for the biennium, and the specific amounts may be transferred between fiscal years.

OFFICE OF PUBLIC INSTRUCTION — DISCRETIONARY GRANTS							
1. Job Training Partnership	475,000	475,000		475,000	475,000		
2. Vocational Education Grants	3,350,000	3,350,000		3,350,000	3,350,000		
3. Adult Basic Education Grants	425,000	425,000		425,000	425,000		
4. Education of the Handicapped — Part B	450,000	450,000		400,000	400,000		
5. Preschool Incentive Grants	150,000	150,000		110,000	110,000		
Total	4,850,000	4,850,000		4,760,000	4,760,000		

Items 1 through 5 are biennial appropriations.

	Fiscal 1988 General Fund	Current Unrestricted	Total	Fiscal 1989 General Fund	Current Unrestricted	Total
BILLINGS VOCATIONAL-TECHNICAL CENTER						
1. Instruction	~~436,545~~ 514,290	~~533,556~~ 455,811	970,101	~~436,545~~ 514,290	~~533,556~~ 455,811	970,101
2. Plant Operation and Maintenance	146,541	119,898	266,439	151,359	123,839	275,198
3. Equipment	22,805	22,805	45,610	22,805	22,805	45,610
4. Support						
a. Operations	125,975	260,157	386,132	54,092	332,075	386,167
b. Audit	9,333	10,000	19,333			
Total	~~741,199~~ 818,944	~~946,416~~ 868,671	1,687,615	~~664,801~~ 742,546	~~1,012,275~~ 934,530	1,677,076

Total audit costs are estimated to be $21,481 for the biennium. Ten percent of these costs are to be paid from funds other than those appropriated in items 1 through 4.

The current unrestricted funding for equipment in item 3 must come from federal funds.

	Fiscal 1988 General Fund	Fiscal 1988 Current Unrestricted	Fiscal 1988 Total	Fiscal 1989 General Fund	Fiscal 1989 Current Unrestricted	Fiscal 1989 Total
BUTTE VOCATIONAL-TECHNICAL CENTER						
1. Instruction						
	~~466,739~~	~~335,081~~	801,820	~~466,739~~	~~335,081~~	801,820
	530,859	270,961		530,859	270,961	
2. Plant Operation and Maintenance	90,485	74,034	164,519	93,464	76,470	169,934
3. Equipment	21,432	21,432	42,864	21,432	21,432	42,864
4. Support						
a. Operations	212,830	137,425	350,255	166,404	183,881	350,285
b. Audit	9,333	10,000	19,333			
Total						
	~~800,819~~	~~577,972~~	1,378,791	~~748,039~~	~~616,864~~	1,364,903
	864,939	513,852		812,159	552,744	

Total audit costs are estimated to be $21,481 for the biennium. Ten percent of these costs are to be paid from funds other than those appropriated in items 1 through 4.

The current unrestricted funding for equipment in item 3 must come from federal funds.

GREAT FALLS VOCATIONAL-TECHNICAL CENTER						
1. Instruction						
	~~428,870~~	~~394,727~~	823,597	~~428,870~~	~~394,727~~	823,597
	492,189	331,408		492,189	331,408	
2. Plant Operation and Maintenance	98,030	83,507	181,537	102,197	87,057	189,254
3. Equipment	21,609	21,610	43,219	21,609	21,610	43,219
4. Support						
a. Operations	220,421	156,686	377,107	171,217	205,924	377,141
b. Audit	9,333	10,000	19,333			
Total						
	~~778,263~~	~~666,530~~	1,444,793	~~722,893~~	~~709,318~~	1,433,211
	841,582	603,211		787,212	645,999	

Total audit costs are estimated to be $21,481 for the biennium. Ten percent of these costs are to be paid from funds other than those appropriated in items 1 through 4.

The current unrestricted funding for equipment in item 3 must come from federal funds.

HELENA VOCATIONAL-TECHNICAL CENTER						
1. Instruction						
	~~716,489~~	~~586,219~~	1,302,708	~~716,489~~	~~586,219~~	1,302,708
	820,684	482,024		820,684	482,024	
2. Plant Operation and Maintenance	172,168	140,864	313,032	176,183	144,150	320,333
3. Equipment	25,518	25,518	51,036	25,518	25,518	51,036
4. Support						
a. Operations	316,347	99,550	415,897	162,758	253,177	415,935
b. Audit	8,259	10,000	18,259			
Total						
	~~1,238,781~~	~~862,151~~	2,100,932	~~1,080,948~~	~~1,009,064~~	2,090,012
	1,342,976	757,956		1,185,143	904,869	

Total audit costs are estimated to be $21,481 for the biennium. Fifteen percent of these costs are to be paid from funds other than those appropriated in items 1 through 4.

The current unrestricted funding for equipment in item 3 must come from federal funds.

MISSOULA VOCATIONAL-TECHNICAL CENTER						
1. Instruction						
	~~552,073~~	~~608,090~~	1,160,163	~~552,073~~	~~608,090~~	1,160,163
	643,444	516,719		643,444	516,719	
2. Plant Operation and Maintenance	129,477	158,251	287,728	144,150	155,643	299,793
3. Equipment	24,355	24,355	48,710	24,355	24,355	48,710
4. Support						

	Fiscal 1988 General Fund	Current Unrestricted	Total	Fiscal 1989 General Fund	Current Unrestricted	Total
a. Operations	146,816	274,262	421,078	282,779	138,338	421,117
b. Audit	8,259	10,000	18,259			
Total	~~860,980~~	~~1,074,958~~	1,935,938	~~1,003,357~~	~~926,426~~	1,929,783
	952,351	983,587		1,094,728	835,055	

Total audit costs are estimated to be $21,481 for the biennium. Fifteen percent of these costs are to be paid from funds other than those appropriated in items 1 through 4.

The current unrestricted funding for equipment in item 3 must come from federal funds.

The ~~superintendent of public instruction~~ commissioner of higher education may transfer county millage collections among centers. Millage received by the centers from the 1.5-mill levy that in the aggregate exceeds $800,291 in fiscal 1988 and $808,294 in fiscal 1989 must cause a general fund reversion of a like amount each year. Any voted millage funds available for the vocational-technical centers are appropriated.

If a vocational-technical center can provide matching funds for federal funds in excess of its share of the $807,474 federal funds included in the current unrestricted funds each fiscal year of the biennium, then the center may request a budget amendment for the matching and federal funds to pay for the additional equipment, training, and programs. The matching funds for any budget amendment may not come from the current unrestricted funds appropriated in the general appropriations bill.

	Fiscal 1988 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1989 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
STATE COUNCIL FOR VOCATIONAL EDUCATION										
1. Operations			116,907		116,907			120,000		120,000
2. Audit			3,093		3,093					
Total			120,000		120,000			120,000		120,000
TOTAL SECTION E	~~44,507,109~~	~~4,951,067~~	~~7,864,092~~	12,000	~~57,334,268~~	~~44,269,014~~	~~5,096,907~~	~~7,764,838~~	12,000	~~57,142,759~~
	~~44,931,539~~	~~5,164,696~~	~~7,841,092~~		~~57,949,327~~	~~44,698,444~~	~~5,330,801~~	~~7,741,838~~		~~57,783,083~~
	44,924,539	4,550,317	7,726,100		57,212,956	44,690,206	4,696,157	7,627,001		57,025,364

NOTE: The total of state special revenues for section E includes the following amounts of current unrestricted funds:

Fiscal 1988 ——— ~~$4,128,027~~ $3,727,277
Fiscal 1989 ——— ~~$4,273,947~~ $3,873,197

F. HIGHER EDUCATION

All funds, other than plant funds and current unrestricted operating funds, may be spent and are appropriated contingent upon approval by the board of regents by July 1 of each year of the comprehensive program budget. The budget must contain detailed revenues and expenditures and anticipated fund balances of current funds, loan funds, and endowment funds. All movement of funds between the current unrestricted subfund and the designated subfund account entities must be clearly identified in the state budgeting and accounting system.

Programs for the university budgets include instruction, organized research, public service, academic support, student services, institutional support, operation and maintenance of plant, and scholarships and fellowships.

The six university units shall account for expenditures consistently within programs and funds across all units and shall use the national center for higher education management systems program classification structure along with the college and university business administration (CUBA) system as a minimum standard for achieving consistency.

Each year of the biennium, the portion of indirect cost reimbursements that exceeds the amount set forth in the current unrestricted operating subfund appropriation for each unit is appropriated to the respective unit. All indirect cost reimbursement not expended in the current unrestricted operating subfund account must be clearly identified and separately accounted for during the 1989 biennium. Each university system unit shall submit a written report to the legislative finance committee by October 14, 1988, of the activities supported and accomplishments achieved with all indirect cost reimbursements expended in funds other than the current unrestricted operating subfund for fiscal 1988.

Included within current unrestricted funds to the six institutions is the sum of $12,864,200 in fiscal 1988 and $12,906,000 in fiscal 1989 from revenues generated under the provisions of 20-25-423. The department of revenue shall levy the full 6 mills as authorized in 20-25-423. Revenues received by the university system under the provisions of 20-25-423 that exceed $12,864,200 in fiscal 1988 and $12,906,000 in fiscal 1989 must cause a general fund reversion of a like amount each year.

BOARD OF REGENTS

	27,951			27,951	28,008				28,008

	Fiscal 1988					Fiscal 1989				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
~~The board of regents shall: (1) by July 1, 1988, develop a uniform computerized personnel system for all agencies under its control, except the community colleges, which: (a) compares the amount expended by position to the amount budgeted for each position; (b) shows the benefits expended; and (c) codes the job assignment(s) of each person; (2) by July 1, 1987, have the university system utilize the statewide budgeting and accounting system in a manner which accurately reflects expenditures at the third level; and (3) by July 1, 1988, develop a uniform computerized class enrollment system.~~										
COMMISSIONER OF HIGHER EDUCATION										
1. Office Administration										
a. Operations										
	773,253				773,253	774,104				774,104
b. Audit										
	13,885				13,885					
2. Vocational-Technical Administration										
	82,319		153,319		235,638	93,165		153,165		246,330
~~2~~ 3. WICHE Dues										
		59,000			59,000		62,000			62,000
~~3~~ 4. WICHE - Student Assistance										
		~~1,830,434~~			~~1,830,434~~		~~1,677,868~~			~~1,677,868~~
	901,687	883,947			1,785,634	901,687	684,981			1,586,668
~~4~~ 5. WAMI										
	~~1,665,941~~	~~232,677~~			~~1,898,618~~	~~1,471,629~~	~~520,092~~			~~1,991,721~~
	1,656,141	277,477			1,933,618	1,415,429	611,292			2,026,721
~~5~~ 6. Minnesota Rural Dentistry										
	90,400				90,400	69,000				69,000
~~6~~ 7. State Student Incentive Grants										
	210,000		210,000		420,000	210,000		210,000		420,000
~~7~~ 8. National Direct Student Loan										
	55,000				55,000	55,000				55,000
~~8~~ 9. State College Work Study										
	300,450				300,450	300,450				300,450
~~9~~ 10. Carl D. Perkins Scholarships										
			50,000		50,000			50,000		50,000
~~10~~ 11. Education for Economic Security										
			58,000		58,000			58,000		58,000
~~11~~ 12. Talent Search										
a. Operations										
			173,804		173,804			173,617		173,617
b. Audit										
			550		550					
~~12~~ 13. Guaranteed Student Loan										
a. Operations										
			851,434		851,434			903,808		903,808
b. Audit										
			2,578		2,578			2,578		2,578
~~13~~ 14. University System Group Insurance										
				~~8,449,609~~	~~8,449,609~~				~~8,865,338~~	~~8,865,338~~
				8,739,609	8,739,609				9,205,338	9,205,338
~~14. HIGHER EDUCATION CAPITAL IMPROVEMENTS~~										
		~~587,838~~			~~587,838~~		~~612,104~~			~~612,104~~
~~15. STUDY OF HIGH TECHNOLOGY COMMUNICATIONS~~										
		~~20,000~~			~~20,000~~					
Total										
	~~3,108,929~~	~~2,122,111~~	~~1,346,366~~	~~8,449,609~~	~~15,027,015~~	~~2,880,183~~	~~2,259,960~~	~~1,398,003~~	~~8,865,338~~	~~15,403,484~~
	~~4,000,816~~	~~1,828,262~~		8,739,609	~~15,915,053~~	~~2,725,670~~	~~1,970,377~~		9,205,338	~~16,299,388~~
	4,083,135	1,220,424	1,499,685		15,542,853	3,818,835	1,358,273	1,551,168		15,933,614

In each fiscal year, the commissioner of higher education is allowed to transfer appropriation authority between the amounts included in the WICHE appropriation for dentistry, which is $120,534 in fiscal 1988 and $122,668 in fiscal 1989, and the Minnesota rural dentistry appropriation.

~~ITEMS 14 AND 15 ARE APPROPRIATED CONTINGENT UPON HOUSE BILL 862 BEING ENACTED. ITEM 16 IS A BIENNIAL APPROPRIATION.~~

	Fiscal 1988			Fiscal 1989		
	General Fund	Current Unrestricted	Total	General Fund	Current Unrestricted	Total
COMMUNITY COLLEGES						
1. Dawson Community College						
a. Operations						
	709,912		709,912	713,832		713,832
b. Audit						
	8,820		8,820			
2. Flathead Valley Community College						
a. Operations						
	1,646,996		1,646,996	1,656,090		1,656,090
b. Audit						
	8,820		8,820			

	Fiscal 1988 General Fund	Fiscal 1988 Current Unrestricted	Fiscal 1988 Total	Fiscal 1989 General Fund	Fiscal 1989 Current Unrestricted	Fiscal 1989 Total
3. Miles Community College						
a. Operations	731,209		731,209	735,247		735,247
b. Audit	8,820		8,820			
Total	3,114,577		3,114,577	3,105,169		3,105,169

The above appropriation provides 49% of the total unrestricted budgets for the community colleges, which budgets must be approved by the board of regents.

The general fund appropriation for each community college includes 49% of the total audit cost. The remaining 51% of these costs are to be paid from funds other than those appropriated in items 1 through 3. Audit costs may not exceed $18,000 for each unit for the biennium.

Dawson, Flathead Valley, and Miles community colleges are prohibited from including in student enrollment, used in calculating the unrestricted budget referred to in 20-15-310, student FTE from out-of-district centers not approved under board of regent Policy 220.1.

BUREAU OF MINES						
1. Research	1,232,850	53,000	1,285,850	1,233,523	53,000	1,286,523
AGRICULTURAL EXPERIMENT STATION						
1. Agricultural Experiment Station	6,124,968	1,998,303	8,123,271	6,177,135	1,998,303	8,175,438
2. U.S. Range Laboratory		385,954	385,954		385,954	385,954
Total	6,124,968	2,384,257	8,509,225	6,177,135	2,384,257	8,561,392
COOPERATIVE EXTENSION SERVICE						
1. Public Service	~~1,954,375~~	1,829,268	~~3,783,643~~	~~1,955,847~~	1,829,268	~~3,785,115~~
	~~1,906,998~~		~~3,736,266~~	~~1,908,470~~		~~3,737,738~~
	1,954,375		3,783,643	1,955,847		3,785,115
2. Professional Retirement Benefit Increase	659,420		659,420	665,731		665,731
3. Improved Communications	70,068		70,068	70,068		70,068
Total	~~2,683,863~~	1,829,268	~~4,513,131~~	~~2,691,646~~	1,829,268	~~4,520,914~~
	~~2,636,486~~		~~4,466,754~~	~~2,644,269~~		~~4,473,537~~
	2,683,863		4,513,131	2,691,646		4,520,914

The total money appropriated in item 2 may only be spent if a federal district or appellate court determines that cooperative extension service employees are federal employees within the meaning of Public Law 99-335. In the event these employees are not federal employees within the meaning of Public Law 99-335, up to $221,300 in fiscal 1988 and up to $277,611 in fiscal 1989 of the funds appropriated in item 2 may be spent for social security coverage and retirement benefits for 124 professional employees. There may be no transfers in or out of this item.

Item 3 is to be spent on improved communications to disseminate agricultural information statewide. There may be no transfers in or out of this item.

FOREST AND CONSERVATION EXPERIMENT STATION						
1. Research	643,535		643,535	644,954		644,954
UNIVERSITY FUNDING STUDY						
1. Commissioner of Higher Education	15,000		15,000			
2. Office of the Legislative Fiscal Analyst	130,000		130,000			
3. Office of Budget and Program Planning	5,000		5,000			

The Montana legislature recognizes the need to review the adequacy of the current method for funding the university system. The study shall be conducted by an eight-member legislative committee comprised of four members appointed by house leadership and four members appointed by the senate committee on committees.

The study shall be coordinated by the office of the legislative fiscal analyst in conjunction with the commissioner of higher education and active participation of the office of budget and program planning.

The scope of the study will encompass a review of higher education expenditures and funding, and an analysis of the adequacy and consistency of the university financing.

The study shall also address cost-effective methods of developing uniform personnel and class enrollment systems and consistent statewide budgeting and accounting system procedures and reports.

Items 1, 2, and 3 are biennial appropriations.

	Fiscal 1988 General Fund	Fiscal 1988 Current Unrestricted	Fiscal 1988 Total	Fiscal 1989 General Fund	Fiscal 1989 Current Unrestricted	Fiscal 1989 Total
MONTANA STATE UNIVERSITY						
1. Instruction						
a. Instruction Program	24,235,408		24,235,408	23,869,704		23,869,704
b. Phasedown				456,470		456,470
c. Architecture		130,000	130,000		130,000	130,000
d. Funding Level Increase	499,699		499,699	492,159		492,159
2. Research		597,925	597,925		597,925	597,925
3. Public Service		10,300	10,300		10,300	10,300
4. Academic Support, Student Services, and Institutional Support						
a. Support Program	1,385,215	10,485,747	11,870,962	1,454,267	10,221,100	11,675,367
b. Funding Level Increase	131,900		131,900	259,453		259,453
c. Museum of the Rockies	120,000		120,000	120,000		120,000
5. Audit	23,021	20,800	43,821			
6. Operation and Maintenance of Physical Plant	1,494,031	4,009,054	5,503,085	1,544,589	4,151,733	5,696,322
7. Scholarships and Fellowships		1,125,273	1,125,273		1,106,723	1,106,723
Total	~~27,137,675~~	16,379,099	~~43,516,774~~	~~27,325,030~~	16,217,781	~~43,542,811~~
	~~27,769,274~~		~~44,148,373~~	~~28,076,642~~		~~44,294,423~~
	27,889,274		44,268,373	28,196,642		44,414,423

Total audit costs are estimated to be $87,642 for the biennium. Fifty percent of these costs are to be paid from funds other than those appropriated in items 1 through 7.

If gross actual nonresident incidental fee revenues, reduced by 18.45 percent for nonresident waivers, are less than $1,631,995 for fiscal 1988 and less than $1,605,092 for fiscal 1989, Montana state university may request a supplemental for the difference.

UNIVERSITY OF MONTANA						
1. Instruction						
a. Instruction Program	18,586,558		18,586,558	18,645,270		18,645,270
b. Law/Pharmacy		174,000	174,000		174,000	174,000
c. Funding Level Increase	383,228		383,228	384,439		384,439
2. Research		445,254	445,254		446,534	446,534
3. Public Service		195,892	195,892		195,904	195,904
4. Academic Support, Student Services, and Institutional Support						
a. Support Program	~~1,883,300~~	8,254,019	~~10,137,319~~	~~1,860,880~~	8,291,820	~~10,152,700~~
	~~1,579,801~~		~~9,833,820~~	~~1,558,539~~		~~9,850,359~~
	1,883,300		10,137,319	1,860,880		10,152,700
b. Funding Level Increase	112,637		112,637	225,615		225,615
5. Audit	22,932	19,600	42,532			
6. Operation and Maintenance of Physical Plant	1,860,505	3,528,478	5,388,983	1,996,637	3,534,186	5,530,823
7. Scholarships and Fellowships		983,741	983,741		985,218	985,218
Total	~~22,353,295~~	13,600,984	~~35,954,279~~	~~22,502,787~~	13,627,662	~~36,130,449~~
	~~22,545,661~~		~~36,146,645~~	~~22,810,500~~		~~36,438,162~~
	22,849,160		36,450,144	23,112,841		36,740,503

Total audit costs are estimated to be $85,064 for the biennium. Fifty percent of these costs are to be paid from funds other than those appropriated in items 1 through 7.

If gross actual nonresident incidental fee revenues, reduced by 18.45 percent for nonresident waivers, are less than $1,748,796 for fiscal 1988 and less than $1,751,420 for fiscal 1989, the university of Montana may request a supplemental for the difference.

EASTERN MONTANA COLLEGE

	Fiscal 1988 General Fund	Fiscal 1988 Current Unrestricted	Fiscal 1988 Total	Fiscal 1989 General Fund	Fiscal 1989 Current Unrestricted	Fiscal 1989 Total
1. Instruction						
a. Instruction Program	6,468,676		6,468,676	6,478,550		6,478,550
b. Funding Level Increase	133,375		133,375	133,579		133,579
2. Public Service		231,435	231,435		231,447	231,447
3. Academic Support, Student Services, and Institutional Support						
a. Support Program	850,296	3,207,247	4,057,543	875,888	3,180,518	4,056,406
b. Funding Level Increase	45,084		45,084	90,142		90,142
4. Audit	22,932	19,600	42,532			
5. Operation and Maintenance of Physical Plant	882,641	1,147,702	2,030,343	886,232	1,198,562	2,084,794
6. Scholarships and Fellowships		353,209	353,209		353,099	353,099
Total	~~8,224,545~~	4,959,193	~~13,183,738~~	~~8,240,670~~	4,963,626	~~13,204,296~~
	8,403,004		13,362,197	8,464,391		13,428,017

Total audit costs are estimated to be $56,710 for the biennium. Twenty-five percent of these costs are to be paid from funds other than those appropriated in items 1 through 6.

NORTHERN MONTANA COLLEGE

1. Instruction						
a. Instruction Program	4,190,393		4,190,393	4,266,713		4,266,713
b. Funding Level Increase	86,399		86,399	87,973		87,973
2. Public Service		8,891	8,891		8,891	8,891
3. Academic Support, Student Services, and Institutional Support						
a. Support Program	563,571	1,561,036	2,124,607	536,756	1,622,803	2,159,559
b. Funding Level Increase	23,606		23,606	47,990		47,990
4. Audit	22,399	12,400	34,799			
5. Operation and Maintenance of Physical Plant	624,651	496,793	1,121,444	667,837	478,740	1,146,577
6. Scholarships and Fellowships		274,815	274,815		271,722	271,722
Total	~~5,401,014~~	2,353,935	~~7,754,949~~	~~5,471,306~~	2,382,156	~~7,853,462~~
	5,511,019		7,864,954	5,607,269		7,989,425

Total audit costs are estimated to be $46,399 for the biennium. Twenty-five percent of these costs are to be paid from funds other than those appropriated in items 1 through 6.

WESTERN MONTANA COLLEGE

1. Instruction						
a. Instruction Program	2,321,136		2,321,136	2,297,033		2,297,033
b. Funding Level Increase	47,858		47,858	47,361		47,361
2. Academic Support, Student Services, and Institutional Support						
a. Support Program	326,621	828,246	1,154,867	335,721	805,298	1,141,019
b. Funding Level Increase	12,832		12,832	25,356		25,356
3. Audit	22,332	11,500	33,832			
4. Operation and Maintenance of Physical Plant	353,701	381,476	735,177	342,802	407,728	750,530
5. Scholarships and Fellowships		83,472	83,472		82,469	82,469
Total	~~3,023,790~~	1,304,694	~~4,328,484~~	~~2,975,556~~	1,295,495	~~4,271,051~~
	3,084,480		4,389,174	3,048,273		4,343,768

Total audit costs are estimated to be $45,110 for the biennium. Twenty-five percent of these costs are to be paid from funds other than those appropriated in items 1 through 5.

MONTANA COLLEGE OF MINERAL SCIENCE AND TECHNOLOGY

	Fiscal 1988 General Fund	Fiscal 1988 Current Unrestricted	Fiscal 1988 Total	Fiscal 1989 General Fund	Fiscal 1989 Current Unrestricted	Fiscal 1989 Total
1. Instruction						
a. Instruction Program	3,995,761		3,995,761	4,002,548		4,002,548
b. Funding Level Increase	82,387		82,387	82,526		82,526
2. Research		43,718	43,718		43,747	43,747
3. Academic Support, Student Services, and Institutional Support						
a. Support Program	574,728	1,755,233	2,329,961	588,412	1,741,604	2,330,016
b. Funding Level Increase	25,889		25,889	51,778		51,778
4. Audit	22,999	20,500	43,499			
5. Operation and Maintenance of Physical Plant	683,568	911,485	1,595,053	677,252	948,888	1,626,140
6. Scholarships and Fellowships		202,189	202,189		202,189	202,189
Total	~~5,277,056~~	2,933,125	~~8,210,181~~	~~5,268,212~~	2,936,428	~~8,204,640~~
	5,385,332		8,318,457	5,402,516		8,338,944

Total audit costs are estimated to be $57,999 for the biennium. Twenty-five percent of these costs are to be paid from funds other than those appropriated in items 1 through 6.

	Fiscal 1988 General Fund	Fiscal 1988 State Special Revenue	Fiscal 1988 Federal Special Revenue	Fiscal 1988 Proprietary	Fiscal 1988 Total	Fiscal 1989 General Fund	Fiscal 1989 State Special Revenue	Fiscal 1989 Federal Special Revenue	Fiscal 1989 Proprietary	Fiscal 1989 Total
TOTAL SECTION F										
	~~88,504,048~~	~~47,919,666~~	~~1,346,366~~	~~8,449,609~~	~~146,219,689~~	~~88,544,179~~	~~47,949,633~~	~~1,398,003~~	~~8,865,338~~	~~146,757,153~~
	~~90,629,953~~	~~47,625,817~~		8,739,609	~~148,341,745~~	~~90,968,319~~	~~47,660,050~~		9,205,338	~~149,231,710~~
	91,183,148	47,017,979	1,499,685		148,440,421	91,531,202	47,047,946	1,551,168		149,335,654

NOTE: The total of state special revenues for section F includes the following amounts of current unrestricted funds:

Fiscal 1988 ——— $45,797,555
Fiscal 1989 ——— $45,689,673

TOTAL STATE FUNDING									
~~360,440,188~~	~~280,857,307~~	~~414,374,783~~	~~95,052,629~~	~~1,150,724,907~~	~~361,408,928~~	~~279,910,014~~	~~423,040,553~~	~~95,715,603~~	~~1,160,075,098~~
~~354,986,090~~	~~285,471,416~~	~~411,491,178~~	~~95,774,763~~	~~1,147,723,447~~	~~357,098,349~~	~~284,598,636~~	~~421,338,724~~	~~96,527,826~~	~~1,159,563,534~~
356,963,076	283,791,305	412,043,484	96,158,259	1,148,956,124	358,459,868	283,669,514	421,718,788	96,799,295	1,160,647,465

Section 17. Effective date. This act is effective July 1, 1987.

And, as amended, be concurred in. Report adopted.

HB 233, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 4/10/87

HB 377, third reading copy, be amended as follows:

1. Title, lines 4 and 5.
Following: "ENTITLED:" on line 4
Strike: "THE RETAIL SALES AND USE TAX ACT;"
Insert: "AN ACT"

2. Title, line 16.
Strike: "A CREDIT"
Insert: "CREDITS"

3. Title, line 24.
Following: "15-6-133"
Strike: "THROUGH"
Insert: "15-6-135,"

4. Page 2, line 9.
Following: "~~15-6-144~~"
Strike: "15-6-143"

Insert: "15-6-144"

5. Pages 2 through 64.
Following: "insert:" on page 2, line 18
Strike: remainder of page 2 through line 6, page 64
Insert: "NEW SECTION. Section 1. Definitions. For purposes of [sections 1 through 67 and 78] unless the context requires otherwise, the following definitions apply:

(1) "Buying", "selling", "buy", "sell", or "sale" means the transfer of property for consideration or the performance of service for consideration.

(2) "Construction" means:

(a) the building, altering, repairing, or demolishing in the ordinary course of business of any:

(i) road, highway, bridge, parking area, or related project;

(ii) building, stadium, or other structure;

(iii) airport, subway, or similar facility;

(iv) park, trail, athletic field, golf course, or similar facility;

(v) dam, reservoir, canal, ditch, or similar facility;

(vi) sewage or water treatment facility, power generating plant, pump station, natural gas compressing station, gas processing plant, coal gasification plant, refinery, distillery, or similar facility;

(vii) sewage, water, gas, or other pipeline;

(viii) transmission line;

(ix) radio, television, or other tower;

(x) water, oil, or other storage tank;

(xi) shaft, tunnel, or other mining appurtenance; or

(xii) microwave station or similar facility;

(b) the leveling or clearing of land;

(c) the excavating of earth;

(d) the drilling of wells of any type, including seismograph shot holes or core drilling; or

(e) any similar work.

(3) "Department" means the department of revenue.

(4) "Engaging in business" means carrying on or causing to be carried on any activity with the purpose of direct or indirect benefit.

(5) "Food product for human consumption":

(a) means and includes:

(i) cereals and cereal products, margarine, meat and meat products, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices, salt, sugar, sugar substitutes, sugar products other than candy and confectioneries, coffee and coffee substitutes, tea, and cocoa and cocoa products other than candy or confectioneries;

(ii) milk and cream and their products;

(iii) all fruit juices containing 15% or more real fruit juice, vegetable juices, and other beverages, except bottled water, spirituous, malt, or various other liquors, or carbonated beverages, whether liquid or frozen; and

(b) does not mean or include medicines or preparations, in liquid, powdered, granular, bottled, capsule, lozenge, or pill form, sold as a dietary supplement or adjunct not prescribed by a licensed physician.

(6) (a) "Gross receipts", in addition to the other meanings provided in this subsection (6), means the total amount of money or the value of other consideration received from selling property in Montana, from leasing property used in Montana, or from performing services in Montana. The term includes all receipts from the sale of tangible personal property handled on consignment but excludes cash discounts allowed and taken and any type of time-price differential.

(b) In an exchange in which the money or other consideration received does not represent the value of the property or service exchanged, gross receipts means the reasonable value of the property or service exchanged.

(c) (i) Except as provided in [section 53], when the sale of property or service is made under any type of charge or conditional or time-sales contract or the leasing of property is made under a leasing contract, the seller or lessor shall treat all receipts, excluding any type of time-price differential, under such contracts as gross receipts at the time of the sale.

(ii) If the seller or lessor transfers his interest in any such contract to a third person, the seller or lessor shall pay the sales tax or use tax upon the full sale or leasing contract amount, excluding any type of time-price differential.

(d) Gross receipts includes all amounts paid by members of any cooperative association or similar organization for sales or leases of personal property or performance of services by such organization.

(7) "Lease" or "leasing" means an arrangement in which, for a consideration, property is used for or by a person other than the owner of the property.

(8) "Manufacturing" means combining or processing components or materials to increase their value for sale in the ordinary course of business. The term does not include construction.

(9) "Medical services" means a service performed by a person licensed to practice medicine, osteopathy, dentistry, podiatry, optometry, chiropractic, or psychology as a regular part of his business activities and applied externally or internally to the human body or mind for the diagnosis, cure, mitigation, treatment, or prevention of disease.

(10) "Medicine" or "drug" means and includes any substance or preparation intended for use by external or internal application to the human body or mind in the diagnosis, cure, mitigation, treatment, or prevention of disease, which substance or preparation is required by law or regulation to be prescribed by a person licensed to prescribe such drug or medicine.

(11) "Permit" means a seller's permit as described in [section 44].

(12) "Person" means:

(a) an individual, estate, trust, receiver, cooperative association, club, corporation, company, firm, partnership, joint venture, syndicate, or other entity, including any gas, water, or electric utility owned or operated by a county, municipality, or other political subdivision of the state; or

(b) the United States or any agency or instrumentality of the United States or the state of Montana or any political subdivision of the state.

(13) "Sales tax" and "use tax" mean the applicable tax imposed by [section 2].

(14) (a) "Service" means any activity engaged in for another person for a consideration, which activity involves the performance of a service as distinguished from the sale or lease of property. The term includes activities performed by a person for its members or shareholders and construction activities and all tangible personal property that will become an ingredient or component part of a construction project.

(b) In determining what a service is, the intended use, principal objective, or ultimate objective of the contracting parties is irrelevant.

(15) "Therapeutic and prosthetic devices" includes but is not limited to prescription eyeglasses, contact lenses, dentures, and artificial limbs, prescribed or ordered by a person licensed to practice medicine, osteopathy, dentistry, podiatry, optometry, or chiropractic.

(16) "Use" or "using" includes use, consumption, or storage other than storage for subsequent sale, in the ordinary course of business, or for use solely outside this state.

NEW SECTION. Section 2. Imposition and rate of sales tax and use tax. (1) Except as provided in subsection (5), a sales tax of 5% is imposed on all gross receipts, as defined in [section 1], for the privilege of engaging in business in this state.

(2) For the privilege of using property in this state, there is imposed on the person using the property a use tax equal to 5% of the value of the property that was:

(a) manufactured by the person using the property in this state;

(b) acquired outside this state as the result of a transaction that would have been subject to the sales tax had it occurred within this state; or

(c) acquired as the result of a transaction that was not initially subject to the use tax imposed by subsection (2)(b) or the sales tax imposed by subsection (1) but which transaction, because of the buyer's subsequent use of the property, is subject to the sales tax or use tax.

(3) For the privilege of using services rendered in this state, there is imposed on the person using such services a use tax equal to 5% of the value of the services at the time at which they were rendered. Services taxable under this section must have been rendered as the result of a transaction that was not initially subject to the sales tax

or use tax but which transaction, because of the buyer's subsequent use of the service, is subject to the sales tax or use tax.

(4) For purposes of this section, the value of property must be determined as of the time of acquisition, introduction into this state, or conversion to use, whichever is later.

(5) A sales tax of 3 ½% is imposed on the gross receipts from the sale of any new motor vehicle subject to the provisions of 61-3-502.

NEW SECTION. Section 3. Presumption of taxability — value. (1) In order to prevent evasion of the sales tax or use tax and to aid in its administration, it is presumed that:

(a) all receipts of a person engaging in business are subject to the sales tax or use tax; and

(b) all property bought or sold by any person for delivery into this state is bought or sold for a taxable use in this state.

(2) In determining the amount of tax due on the use of property or services, it is presumed, in the absence of preponderant evidence of another value, that value means the total amount of property or the reasonable value of other consideration paid for the use of the property or service, exclusive of any type of tax-price differential. However, in an exchange in which the amount of money paid does not represent the value of the property or service purchased, the use tax must be imposed on the reasonable value of the property or service purchased.

NEW SECTION. Section 4. Separate statement of tax. (1) If the sales tax or use tax is stated separately on the books of the seller or lessor and the total amount of tax stated separately on transactions reportable within the reporting period is in excess of the amount of sales tax or use tax otherwise payable on those transactions, the excess amount of tax otherwise payable and stated on the transactions within the reporting period must be included in gross receipts.

(2) If the sales tax or use tax is not stated separately on transactions, the gross receipts for sales tax and use tax purposes include the total amounts received, with no deduction for the sales tax or use tax.

NEW SECTION. Section 5. Liability of user for payment of use tax. (1) A person in this state who uses property is liable to the state for payment of the use tax if the tax is payable on the value of the property but has not been paid.

(2) The liability imposed by this section is discharged if the buyer has paid the use tax to the seller for payment to the department.

NEW SECTION. Section 6. Agents for collection of sales tax and use tax. (1) (a) A person who performs or attempts to perform an activity within this state that attempts to exploit this state's markets, who sells property or services for use in this state, and who is not subject to the sales tax or use tax on receipts from these sales shall collect the sales tax or use tax from the buyer and pay the tax collected to the department.

(b) "Activity", for the purposes of this section, includes but is not limited to engaging in any of the following in this state:

(i) maintaining an office or other place of business that solicits orders through employees or independent contractors;

(ii) canvassing;

(iii) demonstrating;

(iv) collecting money;

(v) warehousing or storing merchandise; or

(vi) delivering or distributing products as a consequence of an advertising or other sales program directed at potential customers.

(2) To ensure orderly and efficient collection of the tax imposed by [sections 1 through 67 and 78], if any application of this section is held invalid, the section's application to other situations or persons is not affected.

NEW SECTION. Section 7. Nontaxable transaction certificate. (1) A nontaxable transaction certificate executed by a buyer or lessee must be in the possession of the seller or lessor at the time a nontaxable transaction occurs.

(2) If the seller or lessor is not in possession of a nontaxable transaction certificate within 60 days from the date notice of the requirement for possession of a nontaxable transaction certificate is given to him by the department, all deductions claimed by him that require delivery of a nontaxable transaction certificate are disallowed.

(3) A nontaxable transaction certificate must contain the information and be in the form prescribed by the department.

(4) Only a buyer or lessee who has registered with the department and whose permit is not suspended or revoked may be allowed to execute a nontaxable transaction certificate.

(5) If the seller or lessor accepts a nontaxable transaction certificate within the required time and believes in good faith that the buyer or lessee will employ the property or service transferred in a nontaxable manner, the properly executed nontaxable transaction certificate is considered conclusive evidence that the proceeds from the transaction are deductible from the seller's or lessor's gross receipts.

NEW SECTION. Section 8. Government agencies and utilities exempt. (1) All receipts of the United States or any agency or instrumentality of the United States or of this state or any political subdivision of this state are exempted from the sales tax and use tax.

(2) All receipts from the sale of gas, water, or electricity, and fuel or energy used to produce heating, cooling, or lighting, and telephone service, including long-distance charges and access charges are exempt from the sales and use tax.

NEW SECTION. Section 9. Exemption — food products. (1) Except as provided in subsection (2), receipts from sales of food products for human consumption are exempt from the sales tax.

(2) The gross receipts from food products sold in the following manner are not exempt from the sales tax:

(a) any food products served as meals on or off the premises of the retailer;

(b) milk or cream sold as beverages commonly referred to as milk shakes, malted milks, or any similar beverage;

(c) food products furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware, whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others;

(d) food products sold for immediate consumption on or near a location at which parking facilities are provided primarily for the ease of patrons in consuming the products purchased at the location, even though such products are sold on a "take out", "to go", or "U-bake" order and are actually packaged or wrapped and taken from the premises of the retailer; or

(e) food products sold for consumption within a place that charges an admission fee.

NEW SECTION. Section 10. Exemption — medicines, drugs, and medical services. (1) The gross receipts from the sale of medicines, drugs, and therapeutic and prosthetic devices are exempt from the sales tax.

(2) The gross receipts from the sale of medical services are exempt from the sales tax.

NEW SECTION. Section 11. Exemption — wages. The receipts of an employee from an employer for wages, salary, commissions, or any other form of remuneration for personal services are exempt from the sales tax.

NEW SECTION. Section 12. Exemption — agricultural products. The receipts of a grower, producer, trapper, or nonprofit marketing association from the sale of livestock, live poultry, unprocessed agricultural products, hides, or pelts are exempt from the sales tax. Persons engaged in the business of buying and selling wool or mohair or of buying and selling livestock on their own account and without the services of a broker, auctioneer, or other agent are considered producers for the purposes of this section.

NEW SECTION. Section 13. Exemption — livestock feeding. A person's receipts derived from feeding, pasturing, penning, or handling or the training of livestock prior to sale are exempt from the sales tax.

NEW SECTION. Section 14. Exemption — vehicles. The receipts from the sale of any vehicle upon which a tax pursuant to [sections 1 through 67 and 78] has been paid or which was purchased prior to [the applicability date of this act] are exempt from the sales tax. A registration certificate showing that the vehicle was registered in this state prior to [the applicability date of this act] is conclusive proof that it was purchased on or before it was subject to taxation under [sections 1 through 67 and 78] and is exempt under this section.

NEW SECTION. Section 15. Exemption — insurance companies. The receipts of an insurance company or any of its agents from premiums are exempt from the sales tax.

NEW SECTION. Section 16. Exemption — dividends and interest. The receipts of interest on money loaned or deposited or dividends

or interest from stocks, bonds, or securities or from the sale of stocks, bonds, or securities are exempt from the sales tax.

NEW SECTION. Section 17. Exemption — fuel. The receipts from the sale of gasoline, ethanol blended for fuel, or special fuel on which the Montana gasoline and special fuels tax has been paid under Title 15, chapter 70, are exempt from the sales tax and use tax.

NEW SECTION. Section 18. Exemption — isolated or occasional sale or lease of property or services. The receipts from the isolated or occasional sale or lease of property or performance of a service by a person who is not regularly engaged in or who does not represent himself as engaged in the business of selling or leasing the same or a similar property or service are exempt from the sales tax.

NEW SECTION. Section 19. Exemption — oil, gas, and mineral interests. The receipts from the sale or lease of oil, natural gas, or mineral interests are exempt from the sales tax.

NEW SECTION. Section 20. Exemption — minerals. The receipts from the sale or use of a mineral as defined in 15-38-103 are exempt from the sales tax and use tax. Minerals refined, reduced, polished, cut, faceted, or otherwise processed for the purpose of being used as or integrated into jewelry, art, or sculpture, or as a decorative embellishment or adornment in their own right or to other property are not included in the exemption provided in this section.

NEW SECTION. Section 21. Exemption — governmental agencies. (1) The use of property by the United States or any agency or instrumentality of the United States or by this state or any political subdivision of this state is exempt from the use tax.

(2) The use of property by the governing body of an Indian tribe on a federally recognized Indian reservation is exempt from the use tax.

NEW SECTION. Section 22. Exemption — personal effects. The use by an individual of personal or household effects brought into the state for the establishment by him of an initial residence in this state and the use of property brought into the state by a nonresident for his own nonbusiness use while temporarily within this state are exempt from the use tax.

NEW SECTION. Section 23. Exemption — advertising services. The gross receipts from the sale of advertising services, including the actual creation or development of the advertising, are exempt from the sales tax. For the purpose of this section, "advertising service" includes but is not limited to all advertising in or by:

(a) any newspaper, magazine, or other publication;

(b) radio or television;

(c) billboard, banner, sign, placard, and the like;

(d) handbill; or

(e) any other advertising means, media, or method.

NEW SECTION. Section 24. Deduction — sale of tangible personal property for resale. Receipts from the sale of tangible personal property may be deducted from gross receipts if:

(1) the sale is made to a buyer who delivers a nontaxable transaction certificate to the seller; and

(2) the buyer resells or plans to resell the tangible personal property either by itself or in combination with other tangible personal property in the ordinary course of business and the property will subsequently be subject to the sales tax.

NEW SECTION. Section 25. Deduction — sale of service for resale. Receipts from the sale of a service for resale may be deducted from gross receipts if:

(1) the sale is made to a person who delivers a nontaxable transaction certificate;

(2) the buyer separately states the value of the service purchased in his charge for the service on its subsequent sale; and

(3) the subsequent sale is in the ordinary course of business and subject to the use tax.

NEW SECTION. Section 26. Deduction — sale to manufacturer. Receipts from the sale of tangible personal property to a buyer engaged in the business of manufacturing may be deducted from gross receipts if:

(1) the buyer delivers a nontaxable transaction certificate to the seller; and

(2) the buyer incorporates or will incorporate the tangible personal property as an ingredient or component part of the product which he is in the business of manufacturing.

NEW SECTION. Section 27. Deduction — sale of tangible personal property for leasing. Receipts from the sale of tangible personal property, other than furniture or appliances, and from the rental or lease of property, other than coin-operated machines and mobile homes, that is deductible under [sections 1 through 67 and 78] may be deducted from gross receipts if:

(1) the sale is made to a buyer who delivers a nontaxable transaction certificate to the seller;

(2) the buyer is engaged in a business deriving more than 50% of its receipts from leasing or selling tangible personal property of the type leased; and

(3) the buyer does not use the property in any manner other than holding it for lease or sale or leasing or selling it, either by itself or in combination with other tangible personal property, in the ordinary course of business.

NEW SECTION. Section 28. Deduction — lease for subsequent lease. Receipts from the lease of tangible personal property, other than furniture or appliances, and from the rental or lease of property, other than coin-operated machines and mobile homes, that is deductible under [sections 1 through 67 and 78] may be deducted from gross receipts if:

(1) the lease is made to a lessee who delivers a nontaxable transaction certificate; and

(2) the lessee does not use the property in any manner other than for subsequent lease in the ordinary course of business.

NEW SECTION. Section 29. Deduction — sale of tangible personal property to person engaged in construction business. (1) Receipts from the sale of tangible personal property may be deducted from gross receipts if the sale is made to a buyer engaged in the construction business who delivers a nontaxable transaction certificate to the seller.

(2) Receipts from the sale may be deducted if the buyer incorporates the tangible personal property as:

(a) an ingredient or component part of a construction project that is subject to the sales tax or use tax upon its completion or upon the completion of the overall construction project of which it is a part; or

(b) an ingredient or component part of a construction project that is subject to the sales tax or use tax upon the sale in the ordinary course of business of the real property upon which it was constructed.

NEW SECTION. Section 30. Deduction — machinery and equipment used in trade or business. (1) The receipts from the sale or use of machinery or equipment used in a trade or business may be deducted from gross receipts if the buyer:

(a) delivers a nontaxable transaction certificate to the seller; or

(b) brings the machinery and equipment into this state for use in a trade or business.

(2) Receipts from the sale or use of machinery or equipment may be deducted if the buyer uses the property as equipment or machinery in his business. For purposes of this section, "equipment and machinery" means tangible personal property that will not be consumed in or made a part of any product or service.

NEW SECTION. Section 31. Deduction — sale of construction service to person engaged in construction business. (1) Receipts from the sale of a construction service may be deducted from gross receipts if the sale is made to a buyer engaged in the construction business and he delivers a nontaxable transaction certificate to the person performing the construction service.

(2) Receipts from the service may be deducted if the buyer has the construction services performed upon:

(a) a construction project that is subject to the sales tax or use tax upon its completion or upon the completion of the overall construction project of which it is a part; or

(b) a construction project that is subject to the sales tax or use tax upon the sale in the ordinary course of business of the real property upon which it was constructed.

NEW SECTION. Section 32. Deduction — sale or lease of real property and lease of mobile homes. (1) (a) Receipts from the sale or lease of real property except as provided in subsection (b), from the lease of a mobile home, or from the rental of a mobile home for a period of at least 1 month may be deducted from gross receipts.

(b) The portion of the gross receipts from the sale of real property that is attributable to improvements constructed on the real property

by the seller in the ordinary course of his construction business may not be deducted from gross receipts.

(2) Receipts attributable to the inclusion of furniture or appliances furnished by the landlord or lessor as part of a leased or rented dwelling, house, mobile home, cabin, condominium, or apartment may be deducted from gross receipts.

(3) Receipts received by hotels, motels, roominghouses, campgrounds, guest ranches, trailer parks, or similar facilities are not receipts from leasing real property for purposes of this section if such receipts are taxable under a lodging or accommodation type tax on either the operator or the user.

NEW SECTION. Section 33. Deduction — transaction in interstate commerce. (1) Receipts from a transaction in interstate commerce may be deducted from gross receipts to the extent that the imposition of the sales tax or use tax would be unlawful under the United States constitution.

(2) (a) Receipts from transmitting messages or conversations by radio, if originated from a point outside this state to another point within this state, and receipts from the sale of radio or television broadcast time if the advertising message is supplied by or on behalf of a national or regional seller or an advertiser not having its principal place of business in or being incorporated under the laws of this state may be deducted from gross receipts.

(b) Commissions received by an advertising agency for performing services in this state may not be deducted from gross receipts under this section.

NEW SECTION. Section 34. Deduction — intrastate transportation and services in interstate commerce. (1) Receipts from the transport of persons or property from one point within this state to another point within this state may be deducted from gross receipts if such persons or property, including any reasonably necessary services, are being transported in interstate or foreign commerce under a single contract.

(2) Receipts from handling, storage, drayage, or packing of property or any other accessorial services on property may be deducted from gross receipts if:

(a) the property has been or will be moved in interstate or foreign commerce;

(b) the services are performed by a local agent for a carrier or by a carrier; and

(c) the services are performed under a single contract in relation to transportation services.

NEW SECTION. Section 35. Deduction — sale of certain services to out-of-state buyer. (1) Receipts from performing a service, other than a legal or accounting service, may be deducted from gross receipts if the sale of the service is made to a buyer who delivers to the seller either a nontaxable transaction certificate or other evidence acceptable to the department that the transaction meets the conditions set out in subsection (3).

(2) The person who delivers the nontaxable transaction certificate or other evidence acceptable to the department must meet the conditions set out in subsection (3).

(3) Receipts from the performance of a service are subject to the deduction provided in this section if the buyer of the service, any of his employees, or any person in privity with him:

(a) does not make initial use of the product or the service in this state;

(b) does not take delivery of the product or the service in this state; or

(c) concurrent with the performance of the service, does not have a regular place of work in this state or spend more than brief and occasional periods of time in this state and:

(i) does not have any communication in this state related in any way to the subject matter, performance, or administration of the service with the person performing the service; or

(ii) does not himself perform work in this state related to the subject matter of the service.

(4) Receipts from performing a service that initially qualified for the deduction provided in this section but which no longer meets the criteria set forth in subsection (5) is deductible for the period prior to the disqualification.

NEW SECTION. Section 36. Deduction — feed, fertilizers, and agricultural supplies — livestock auctioneers. (1) Receipts from the sale of feed for livestock, fish raised for human consumption, poultry, animals raised for their hides or pelts, semen used in animal husbandry, seeds, roots, bulbs, soil conditioners, fertilizers, insecticides, insects used to control the population of other insects, fungicides, weedicides, herbicides, or water for irrigation purposes may be deducted from gross receipts if the sale is made to a person who states in writing that he is regularly engaged in the business of farming, ranching, or the raising of animals for their hides or pelts.

(2) Receipts of auctioneers from selling livestock or other agricultural products at auction may be deducted from gross receipts.

NEW SECTION. Section 37. Deduction — certain chemicals and reagents. (1) Receipts from the sale of chemicals or reagents to any mining concern or milling company for use in processing ores or oil in a mill, smelter, or refinery or in acidizing oil wells and receipts from the sale of chemicals or reagents in an amount in excess of 18 tons may be deducted from gross receipts.

(2) Receipts from the sale of explosives, blasting material, or dynamite may not be deducted from gross receipts.

NEW SECTION. Section 38. Deduction — trade-in allowance. That portion of the receipts of a seller that is represented by a trade-in of tangible personal property of the same type as the property being sold may be deducted from gross receipts.

NEW SECTION. Section 39. Deduction — special fuel. (1) Receipts from the sale of special fuel, as defined in 15-70-301, may be deducted from gross receipts if the purchaser uses the special fuel in agriculture, or to operate machinery, equipment, or vehicles used in a trade or business.

(2) Receipts from the sale of special fuel used to heat buildings for human comfort are not deductible.

NEW SECTION. Section 40. Deduction — sale of certain services performed directly on product manufactured. Receipts from sale of the service of combining or processing components or materials may be deducted from gross receipts if the sale is made to a buyer who is engaged in the business of manufacturing and delivers a nontaxable transaction certificate to the seller. The receipts from the service may be deducted if the buyer has the service performed directly upon tangible personal property that he is in the business of manufacturing or upon ingredients or component parts of such property.

NEW SECTION. Section 41. Deduction — certain mobile homes. Receipts from the resale of a mobile home may be deducted from gross receipts if the sale is of a mobile home that was subject to the sales tax or use tax upon its initial sale or use in this state or was initially sold or used in this state prior to [the applicability date of this act]. The receipts from the resale may be deducted if the seller retains and furnishes proof satisfactory to the department that the sales tax or use tax was paid upon the initial sale or use in this state of the mobile home. In the absence of such proof, it is presumed that the tax was not paid. Proof that a Montana certificate of title was issued for a mobile home prior to [the applicability date of this act] is proof that the mobile home was initially sold or used in this state prior to [the applicability date of this act] and exempt under this section.

NEW SECTION. Section 42. Deduction — use of tangible personal property for leasing. (1) Except as provided in subsection (2), the value of leased property may be deducted in computing the use tax due if the person holding the tangible personal property for lease:

(a) is engaged in a business that derives a substantial portion of its receipts from leasing or selling property of the type leased;

(b) does not use the property in any manner other than holding it for lease or sale or leasing or selling it either by itself or in combination with other tangible personal property in the ordinary course of business; and

(c) does not use the property in a manner incidental to the performance of a service.

(2) The deduction provided in subsection (1) does not apply to the value of furniture or appliances furnished by the landlord or lessor as part of a leased or rented dwelling, house, cabin, condominium, or apartment or to the lease of coin-operated machines or mobile homes.

NEW SECTION. Section 43. Credit — out-of-state taxes. (1) If a gross receipts, sales, use, or similar tax has been levied by another state or a political subdivision of another state on property bought outside this state but which will be used or consumed in this state and the tax was paid, the amount of tax paid may be credited against any use tax due this state on the same property.

(2) If the receipts from the sale of improvements to real property constructed by a person in the ordinary course of his construction business are subject to the sales tax or use tax, the amount of tax paid by the person under subsection (1) on materials that became an ingredient or component part of the construction project and on construction services performed upon the construction project may be credited against the sales tax or use tax due on the sale.

NEW SECTION. Section 44. Seller's permit. Upon an applicant's compliance with [sections 1 through 67 and 78], the department shall issue to the applicant a separate, numbered seller's permit for each place of business within Montana. A permit is valid until revoked or suspended but is not assignable. A permit is valid only for the person in whose name it is issued and for the transaction of business at the place designated. The permit must be conspicuously displayed at all times at the place for which it is issued.

NEW SECTION. Section 45. Permit application — generally — vending machines — form. (1) A person desiring to engage in the business of making retail sales or providing services in Montana shall file with the department an application for a permit. If the person has more than one place of business, an application must be filed for each place of business. A vending machine operator who has more than one vending machine location is considered to have only one place of business for purposes of this section. An applicant who has no regular place of business and who moves from place to place is considered to have only one place of business and shall attach the permit to his cart, stand, truck, or other merchandising device. Each person or class of persons obligated to file a return under [sections 1 through 67 and 78] is required to file application for a permit.

(2) Each application for a permit must be on a form prescribed by the department and must set forth the name under which the applicant intends to transact business, the location of his place or places of business, and such other information as the department may require. The application must be filed by the owner if the owner is a natural person, by a member or partner if the owner is an association or partnership, or by a person authorized to sign the application if the owner is a corporation.

NEW SECTION. Section 46. Special activities — permits — penalty. (1) The operator of a flea market, craft show, antique show, coin show, stamp show, comic book show, convention exhibit area, or similar selling event, as a prerequisite to renting or leasing space on the premises owned or controlled by the operator to a person desiring to engage in or conduct business as a seller, shall obtain evidence that the seller is the holder of a valid seller's permit issued pursuant to [section 44] or a written statement from the seller that he is not offering for sale any item that is taxable under [sections 1 through 67 and 78].

(2) "Flea market, craft show, antique show, coin show, stamp show, comic book show, convention exhibit area, or similar selling event", as used in this section, means an activity that involves a series of sales sufficient in number, scope, and character to constitute a regular course of business but does not qualify as an isolated or occasional sale pursuant to [section 18].

(3) An operator who fails or refuses to comply with the provisions of this section is subject to a penalty, payable to the department, of $100 per day per seller at each selling event at which the operator fails to obtain evidence that a seller is the holder of a valid seller's permit issued pursuant to [section 44].

NEW SECTION. Section 47. Revocation or suspension of permit — hearing — notice. (1) Subject to the provisions of subsection (2), the department may, for reasonable cause, revoke or suspend any permit held by a person who fails to comply with the provisions of [sections 1 through 67 and 78].

(2) (a) The department shall hold a hearing on the proposed revocation or suspension after giving the person 30 days' notice in writing, specifying the time and place of the hearing and the reason for the proposed revocation or suspension.

(b) The notice must include a requirement that the person show cause why the permit or permits should not be revoked or suspended.

(c) The notice must be served personally or by certified mail.

(3) After revocation, the department may not issue a new permit except upon application accompanied by reasonable evidence of the intention of the applicant to comply with the provisions of [sections 1 through 67 and 78]. The department may require security in addition to that authorized by [section 55] in an amount reasonably necessary to ensure compliance with [sections 1 through 67 and 78] as a condition for the issuance of a new permit to such an applicant.

(4) A person aggrieved by the department's final decision to revoke a permit as provided in subsection (1) may appeal the decision to the state tax appeal board within 30 days following the date on which the department issued its final decision.

(5) A decision of the state tax appeal board may be appealed to a court of competent jurisdiction.

NEW SECTION. Section 48. Nontaxable transaction certificate — form. (1) The department shall provide for a uniform nontaxable transaction certificate. In order to obtain a deduction under [sections 1 through 67 and 78], a purchaser must use the certificate when purchasing goods or services for resale.

(2) At a minimum, the certificate must provide:

(a) the number of the permit issued to the purchaser as provided in [section 44 or 45];

(b) the general character of property or service sold by the purchaser in the regular course of business;

(c) the property or service purchased for resale;

(d) the name and address of the purchaser; and

(e) a signature line for the purchaser.

NEW SECTION. Section 49. Improper use of subject of purchase obtained with nontaxable transaction certificate — penalty. (1) If a purchaser who uses a nontaxable transaction certificate utilizes the subject of the purchase other than for a purpose allowed as a deduction under [sections 1 through 67 and 78], such use is considered a taxable sale by the purchaser as of the time of first use by him and the sale price he receives is considered the gross receipts from the sale. If the sole nonexempt use is rental while holding for sale, the purchaser shall include in his gross receipts the amount of the rental charged. Upon subsequent sale of the property, the seller shall include the entire amount of gross receipts received from the resale, without deduction of amounts previously received as rentals.

(2) A person who uses a certificate for property that will be utilized for purposes other than the purpose claimed is subject to a penalty, payable to the department, of $100 for each transaction in which an improper use of an exemption certificate has occurred.

(3) Upon a showing of good cause, the department may abate or waive the penalty or a portion of the penalty.

NEW SECTION. Section 50. Commingling nontaxable certificate goods. If a purchaser uses a nontaxable transaction certificate with respect to the purchase of fungible goods and thereafter commingles these goods with fungible goods not so purchased but of such similarity that the identity of the goods in the commingled mass cannot be determined, sales from the mass of commingled goods are considered to be sales of the goods purchased with the certificate until the quantity of commingled goods sold equals the quantity of goods originally purchased under the certificate.

NEW SECTION. Section 51. Collection and payment — penalty. (1) Liability for the payment of the sales tax and use tax is not extinguished until the taxes have been paid to the department.

(2) A retailer who does not maintain a place of business in this state is liable for the sales tax or use tax and shall furnish, in accordance with [sections 1 through 67 and 78], adequate security to ensure collection and payment of the taxes. When so authorized and except as otherwise provided in [sections 1 through 67 and 78], the retailer is liable for the taxes upon all tangible property sold that is to be used within this state in the same manner as a retailer who maintains a place of business within this state. The permit provided for in subsection (3) may be canceled at any time if the department considers the security inadequate or believes that the taxes can be collected more effectively in another manner.

(3) No agent, canvasser, or employee of a retailer doing business in this state who is not authorized by permit from the department may sell, solicit orders for, or deliver any tangible personal property in Montana. If such an agent, canvasser, or employee violates the provisions of [sections 1 through 67 and 78], he is subject to a fine of not more than $100 for each separate transaction or event.

NEW SECTION. Section 52. Common carriers as retailers. A person engaged in the business of intrastate or interstate transportation by motor vehicle of tangible personal property or passengers shall register as a retailer and pay the taxes imposed by [sections 1 through 67 and 78].

NEW SECTION. Section 53. Application for permission to report on accrual basis. (1) A person having a permit pursuant to [section 44] may apply to the department for permission to report and pay the sales tax or use tax on an accrual basis.

(2) The application must be made on a form prescribed by the department that contains such information as the department may require.

(3) No person may report or pay the sales tax or use tax on an accrual basis unless he has first received written permission from the department.

NEW SECTION. Section 54. Returns — authority of department. (1) Except as provided in subsection (2), on or before the 25th day of each month in which the tax imposed by [sections 1 through 67 and 78] is payable, a return for the preceding month must be filed with the department, on a form provided by the department. Each return must contain a confession of judgment for the amount of the

tax shown due, to the extent not timely paid. A person making sales at retail at two or more places of business may file a consolidated return, subject to rules prescribed by the department.

(2) (a) For the purposes of the sales tax or use tax, a return must be filed by:

(i) a retailer required to pay such tax; and

(ii) a person:

(A) purchasing any items the storage, use, or other consumption of which is subject to the sales tax or use tax; and

(B) who has not paid the tax to a retailer required to pay the tax.

(b) Each return must be signed by the person filing the return or by his agent duly authorized in writing.

(3) (a) A person liable for the taxes imposed by [sections 1 through 67 and 78] shall keep records, render statements, make returns, and comply with the provisions of [sections 1 through 67 and 78] and the rules prescribed by the department. Each return or statement must include the information required by the rules of the department.

(b) For the purpose of determining compliance with the provisions of this section, the department is authorized to examine or cause to be examined any books, papers, records, or memoranda relevant to making a determination of the amount of tax due, whether the books, papers, records, or memoranda are the property of or in the possession of the person filing the return or another person. The department may also:

(i) require the attendance of a person having knowledge or information relevant to a return;

(ii) compel the production of books, papers, records, or memoranda by a person required to attend;

(iii) take testimony on matters material to the determination; and

(iv) administer oaths or affirmations.

(4) The returns due for June, July, and August of 1989 are due on or before September 25, 1989.

NEW SECTION. Section 55. Security — limitations — sale of security deposit at auction — bond. (1) The department may require a retailer to deposit with the department security in a form and amount as the department determines appropriate. The deposit may not be more than twice the estimated average liability for the period for which the return is required to be filed or $10,000, whichever is less. The amount of security may be increased or decreased by the department, subject to the limitations provided in this section.

(2) (a) If necessary, the department may sell property deposited as security at public auction to recover any sales tax or use tax or amount required to be collected, including interest and penalties.

(b) Notice of the sale must be served personally upon the person who deposited the security or by certified mail.

(c) After the sale, any surplus above the amount due that is not required as security under this section must be returned to the person who deposited the security.

(3) In lieu of security, the department may require a retailer to file a bond, issued by a surety company authorized to transact business in this state, to guarantee solvency and responsibility.

(4) For persons doing business as a corporation in addition to doing business under the requirements of this section, the department may require the corporate officers, directors, or shareholders to provide a personal guaranty and assumption of liability for the payment of the tax due under [sections 1 through 67 and 78].

NEW SECTION. Section 56. Extensions. (1) The department may extend the time for filing a return and remittance of tax, deficiencies, and penalties for a period not to exceed 60 days from the date a return was due and may require both an estimated return at the time fixed for filing the regularly required return and the payment of tax on the basis of the estimated return.

(2) If an extension of time for payment has been granted under this section, interest at the rate provided in [section 61(2)] is payable from the date on which such payment was first due without extension until the tax is paid.

NEW SECTION. Section 57. Examination of return — adjustments — delivery of notices and demands. (1) The department may examine a return and make any investigation or examination of the records and accounts of the person making the return that the department considers necessary to determine the accuracy of the return.

(2) To determine the accuracy of a return, the department may examine the returns or records using statistical or other sampling techniques consistent with generally accepted accounting principles.

(3) If the department determines that the amount of tax due is different from the amount reported, the amount of tax computed on the basis of the examination conducted pursuant to subsections (1) and (2) constitutes the tax to be paid.

(4) If the tax due exceeds the amount of tax reported as due on the taxpayer's return, the excess must be paid to the department within 60 days after notice of the amount and demand for payment is mailed to the person making the return. If the amount of the tax found due by the department is less than that reported as due on the return and has been paid, the excess must be refunded to the person making the return in the manner provided in 15-1-503.

(5) The notices and demands provided for in this section must contain a statement of the computation of the tax and must be sent by mail to the person making the return at the address given in his return, if any, or to his last-known address, or a written statement of the computation of the tax may be served personally upon the taxpayer.

NEW SECTION. Section 58. Penalties for violation. (1) (a) Subject to the provisions of subsection (1)(b), if a person, without purposely or knowingly violating any requirement imposed by [sections 1 through 67 and 78], fails to file a return or pay the tax due on or before the date the return or tax is due (determined with regard to any extension of time granted for filing the return), there must immediately be imposed a penalty of 5% of any tax due on the return. The penalty increases by the amount of 5% of the tax due

for each 30-day period or portion thereof that the return remains unfiled after notification of failure to file.

(b) Notwithstanding the provisions of subsection (2), the total amount of the penalty may not exceed 25% of the total tax due.

(c) Interest accrues on the unpaid tax at the rate of 1% for each month or part thereof during which the tax remains unpaid.

(d) The department may not assess a penalty until such time as the penalty equals $10 or more for any one tax period or the period covered by any return or statement.

(2) (a) If a person purposely or knowingly violates any requirement imposed by [sections 1 through 67 and 78], fails to make a return, or fails to pay a tax, if one is due, at the time required under the provisions of [sections 1 through 67 and 78], there is added to the tax an additional amount equal to 25% of the tax. Such additional amount may in no case be less than $25.

(b) Interest accrues on the unpaid tax at the rate of 1% for each month or part thereof during which the tax remains unpaid.

(3) (a) Any individual, corporation, or partnership, any officer or employee of a corporation, or any member or employee of a partnership who, with intent to evade any requirement of [sections 1 through 67 and 78] or any lawful requirement of the department adopted pursuant to [sections 1 through 67 and 78], purposely or knowingly fails to pay the tax or to make, render, or sign any return or to supply any information within the time required under the provisions of [sections 1 through 67 and 78] or who, with like intent, purposely or knowingly makes, renders, or signs any false or fraudulent return or statement or supplies any false or fraudulent information is subject to a civil penalty of not more than $5,000.

(b) A penalty imposed by subsection (3)(a) must be recovered by the department in the name of the state by action in a court of competent jurisdiction.

(4) The department may abate or waive all or a portion of the penalties imposed in subsection (1) if the taxpayer establishes to the satisfaction of the department that his failure to file or to pay on time was due to reasonable cause and was not due to neglect on his part.

NEW SECTION. Section 59. Warrants for distraint. If a tax imposed by [sections 1 through 67 and 78] or any portion of such tax is not paid when due, the department may issue a warrant for distraint as provided in Title 15, chapter 1, part 7.

NEW SECTION. Section 60. Authority to collect delinquent taxes. (1) The department shall collect taxes that are delinquent as determined under [sections 1 through 67 and 78].

(2) To collect delinquent taxes after the time for appeal has expired, the department may direct the offset of tax refunds or other funds due the taxpayer from the state, except wages subject to the provisions of 25-13-614 and retirement benefits.

(3) As provided in 15-1-705, the taxpayer has the right to a hearing on the tax liability prior to any offset by the department.

(4) The department may file a claim for state funds on behalf of the taxpayer if a claim is required before funds are available for offset.

(5) The department shall provide the taxpayer with written notice of the right to request a hearing under the contested case procedures of Title 2, chapter 4, on the matter of the offset action or the department's intent to file a claim on behalf of the taxpayer. A written request for a hearing must be made within 30 days of the date of the notice, and such hearing must be held within 30 days following receipt by the department of the written request.

NEW SECTION. Section 61. Penalty for deficiency. (1) (a) If the payment of a tax deficiency is not made within 60 days after it is due and payable and if the deficiency is due to negligence on the part of the taxpayer but without fraud, there must be added to the amount of the deficiency a penalty of 5% of the tax.

(b) In addition, a penalty of 5% of the delinquent tax shall be assessed for each 30-day period or portion thereof that the tax remains unpaid following notification of delinquency.

(c) Interest accrues on the unpaid taxes at the rate of 1% for each month or part thereof during which unpaid taxes remain unpaid. The interest must be computed from the date the return and tax were originally due, as distinguished from the due date as it may have been extended to the date of payment.

(d) In no event may the penalties imposed under subsections (1)(a) and (1)(b) exceed 25% of the total tax due.

(2) If the time for filing a return is extended, the taxpayer shall pay, in addition to the tax due, interest thereon at the rate of 1% for each month or part thereof from the date the return was originally required to be filed to the time of payment.

(3) The department may not assess a penalty until such time as the penalty equals $10 or more for any one tax period or the period covered by any return or statement.

NEW SECTION. Section 62. Limitations. Except in the case of a person who, with intent to evade the tax, purposely or knowingly files a false or fraudulent return violating the provisions of [sections 1 through 67 and 78], the amount of tax due under any return must be determined by the department within 5 years after the return was made. The department is barred from revising a return or recomputing the tax due thereon, and no proceeding in court for the collection of the tax may be instituted unless notice of an additional tax was provided within the period described in this section.

NEW SECTION. Section 63. Refunds. A claim for a refund made for taxes collected under [sections 1 through 67 and 78] must be in accordance with the procedure and time limits provided in 15-1-503.

NEW SECTION. Section 64. Administration — rules. The department shall: (1) administer and enforce the provisions of [sections 1 through 67 and 78];

(2) cause to be prepared and distributed such forms and information as may be necessary to administer the provisions of [sections 1 through 67 and 78]; and

(3) promulgate such rules as may be appropriate to administer and enforce the provisions of [sections 1 through 67 and 78].

NEW SECTION. Section 65. Revocation of corporate license. (1) If a corporation authorized to do business in this state and required to pay the taxes imposed under [sections 1 through 67 and 78] fails to comply with any of the provisions of [sections 1 through 67 and 78] or any rule of the department, the department may, for reasonable cause, certify to the secretary of state a copy of an order finding that the corporation has failed to comply with specific statutory provisions or rules.

(2) The secretary of state shall, upon receipt of the certification, revoke the license authorizing the corporation to do business in this state and may issue a new license only when the corporation has obtained from the department an order finding that the corporation has complied with its obligations under [sections 1 through 67 and 78].

(3) No order authorized in this section may be made until the corporation is given an opportunity to be heard and to show cause at a contested case hearing before the department why such order should not be made. The corporation must be given 30 days' notice of the time and place of the hearing and the reason for the proposed order.

NEW SECTION. Section 66. Tax as debt. (1) The taxes imposed by [sections 1 through 67 and 78] and related interest and penalties become a personal debt of the person required to file a return from the time the liability arises, regardless of when the time for payment of such liability occurs.

(2) In the case of an executor or administrator of the estate of a decedent or in the case of a fiduciary, the debt is that of the person in his official or fiduciary capacity only, unless he has voluntarily distributed the assets held in such capacity without reserving sufficient assets to pay the taxes, interest, and penalties, in which event he is personally liable for any deficiency.

(3) This section also applies to those corporate officers, directors, or shareholders required by the department to personally guarantee the payment of the taxes for their corporations.

NEW SECTION. Section 67. Information — confidentiality — agreements. (1) (a) Except as provided in subsection (1)(b), it is unlawful for an employee of the department or any other public official or public employee to divulge or otherwise make known any information disclosed in a report or return required to be filed under [sections 1 through 67 and 78] or any information concerning the affairs of the person making the return that is acquired from his records, officers, or employees in an examination or audit.

(b) Subsection (1)(a) does apply to information obtained from the taxpayer making the report or return in connection with a proceeding involving taxes due under [sections 1 through 67 and 78] or to comply with the provisions of subsection (2).

(c) Nothing in this section may be construed to prohibit the department from publishing statistics so classified as to not disclose the identity of any particular return or returns or reports and the content thereof. A person violating the provisions of this section is

subject to the penalty provided for violating the confidentiality of individual income tax information as provided in 15-30-303.

(2) (a) The department may enter into an agreement with the taxing officials of another state for the interpretation and administration of the laws of their state that provide for the collection of sales taxes or use taxes in order to promote fair and equitable administration of such laws and to eliminate double taxation.

(b) The department, in order to implement the provisions of [sections 1 through 67 and 78], may furnish information on a reciprocal basis to the taxing officials of another state or to the taxing officials of a municipality of this state that has a local sales tax or use tax.

(3) In order to facilitate processing of returns and payments of taxes required by [sections 1 through 67 and 78], the department may contract with vendors and may disclose data to the vendors. The data disclosed must be administered by the vendor in a manner consistent with this section.

NEW SECTION. Section 68. Renters' property tax credit — definitions. As used in [sections 68 through 76], the following definitions apply: (1) "Claimant" means an individual natural person who is eligible to file a claim under [section 69].

(2) "Claim period" means the tax year for individuals required to file Montana individual income tax returns and the calendar year for individuals not required to file returns.

(3) "Department" means the department of revenue.

(4) "Gross household income" means all income received by all individuals of a household while they are members of the household.

(5) "Gross rent" means the total rent in cash or item equivalent actually paid during the claim period by the renter or lessee for the right of occupancy of the homestead pursuant to an arm's-length transaction with the landlord.

(6) "Homestead" means a single-family dwelling or unit of a multiple-unit dwelling that is subject to ad valorem taxes in Montana and as much of the surrounding land, but not in excess of 1 acre, as is reasonably necessary for its use as a dwelling.

(7) "Household" means an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. The term does not include bona fide lessees, tenants, or roomers and boarders on contract.

(8) "Household income" means $0 or the amount obtained by subtracting $4,000 from gross household income, whichever is greater.

(9) "Income" means federal adjusted gross income, without regard to loss, as that quantity is defined in the internal revenue code of the United States, plus all nontaxable income, including but not limited to:

(a) the gross amount of any pension or annuity (including railroad retirement act benefits and veterans' disability benefits);

(b) the amount of capital gains excluded from adjusted gross income;

(c) alimony;

(d) support money;

(e) nontaxable strike benefits;

(f) cash public assistance and relief;

(g) payments and interest in federal, state, county, and municipal bonds; and

(h) all payments under federal social security.

(10) "Property tax paid" means general ad valorem taxes levied against the homestead, exclusive of special assessments, penalties, or interest and paid during the claim period.

(11) "Rent-equivalent tax paid" means 15% of the gross rent.

NEW SECTION. Section 69. Renters' property tax credit — eligibility. (1) In order to be eligible to make a claim under [sections 68 through 76], an individual:

(a) must have resided in Montana for at least 9 months of that period; and

(b) must have occupied one or more dwellings in Montana as a renter or lessee for at least 6 months of the claim period.

(2) A person is not disqualified as a claimant if he changes residences during the claim period, provided that he occupies one or more dwellings in Montana as a renter or lessee for at least 6 months during the claim period.

NEW SECTION. Section 70. Renters' property tax credit — disallowance or adjustment of certain claims. If the landlord and tenant have not dealt at arm's length and the department judges the gross rent charged to be excessive, the department may adjust the gross rent to a reasonable amount.

NEW SECTION. Section 71. Renters' property tax credit — filing date. (1) Except as provided in subsection (2), a claim for relief must be submitted at the same time the claimant's individual income tax return is due. For an individual not required to file a tax return, the claim must be submitted on or before April 15 of the year following the year for which relief is sought.

(2) The department may grant a reasonable extension for filing a claim whenever, in its judgment, good cause exists. The department shall keep a record of each extension and the reason for granting the extension.

(3) In the event that an individual who would have a claim under [sections 68 through 76] dies before filing the claim, the personal representative of the estate of the decedent may file the claim.

NEW SECTION. Section 72. Renters' property tax credit — form of relief. Relief under [sections 68 through 76] is a credit against the claimant's Montana individual income tax liability for the claim period. If the amount of the credit exceeds the claimant's liability under this chapter, the amount of the excess must be refunded to the claimant. The credit may be claimed even though the claimant has no income taxable under this chapter.

NEW SECTION. Section 73. Renters' property tax credit — computation of relief. The amount of the tax credit granted under the

provisions of [sections 68 through 76] is computed as follows: (1) In the case of a claimant who rents a homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid less the deduction specified in subsection (3).

(2) In the case of a claimant who both owns and rents the homestead for which a claim is made, the credit is the amount of rent-equivalent tax paid on the rented portion of the homestead less the deduction specified in subsection (3).

(3) Rent-equivalent tax paid is reduced according to the following schedule:

HOUSEHOLD INCOME	AMOUNT OF REDUCTION
$ 0-1,999	$0
2,000-2,999	The product of .006 times the household income
3,000-3,999	The product of .016 times the household income
4,000-4,999	The product of .024 times the household income
5,000-5,999	The product of .028 times the household income
6,000-6,999	The product of .032 times the household income
7,000-7,999	The product of .035 times the household income
8,000-8,999	The product of .039 times the household income
9,000-9,999	The product of .042 times the household income
10,000-10,999	The product of .045 times the household income
11,000-11,999	The product of .048 times the household income
12,000 & over	The product of .050 times the household income

(4) In no case may the credit granted exceed $200.

NEW SECTION. Section 74. Renters' property tax credit — limitations. (1) Only one claimant per household in a claim period under the provisions of [sections 68 through 76] is entitled to relief.

(2) No claim for relief may be allowed for any portion of rent-equivalent taxes paid that is derived from a public rent or tax subsidy program.

(3) No claim for relief may be allowed on rented lands or rented dwellings that are not subject to ad valorem taxation in Montana during the claim period.

NEW SECTION. Section 75. Renters' property tax credit — proof of claim. A receipt showing gross rent paid must be filed with each claim. In addition, each claimant shall, at the request of the department, supply all additional information necessary to support his claim.

NEW SECTION. Section 76. Renters' property tax credit — denial of claim. A person filing a false or fraudulent claim under the provisions of [sections 68 through 76] must be charged with the offense of unsworn falsification to authorities pursuant to 45-7-203. If a false or fraudulent claim has been paid, the amount paid may be recovered as any other debt owed the state. An additional 10% may be added to the amount due as a penalty. The unpaid debt bears interest, at the rate of 1% per month, from the date of the original payment of claim until paid.

NEW SECTION. Section 77. Credit for sales and use tax. (1) There is a credit against tax liability under this chapter as provided in subsection (2).

(2) For each exemption claimed under 15-30-112, a credit is allowed according to the following schedule:

GROSS HOUSEHOLD INCOME	CREDIT PER EXEMPTION
$ 0 - 4,999	$30
5,000 - 5,999	27
6,000 - 6,999	24
7,000 - 7,999	21
8,000 - 8,999	19
9,000 - 9,999	16
10,000 - 10,999	13
11,000 - 11,999	11
12,000 - 12,999	9
13,000 - 13,999	7
14,000 - 19,999	5
20,000 or more	0

(3) For the purpose of this section, "gross household income" is defined as provided in [section 68].

(4) If the amount of credit allowed in this section exceeds the amount of tax liability under this chapter by $1 or more, the department shall refund the amount in excess. If the excess is less than $1, the department may not make a refund."

6. Page 64, line 10.
Strike: "43"
Insert: "67 and 78"

7. Page 65, line 20.
Strike: "their"
Insert: "the livestock's"

8. Page 66, line 13.
Strike: "44"
Insert: "79"
Strike: "48"
Insert: "83"

9. Page 67, line 3.
Strike: "46"
Insert: "81"

10. Page 67, line 6.
Strike: "44"
Insert: "79"
Strike: "48"
Insert: "83"

11. Page 67, line 10.
Strike: "44"
Insert: "79"

12. Page 67, line 11.
Strike: "48"
Insert: "83"

13. Page 67, lines 15 through 22.
Strike: section 49 in its entirety
Renumber: subsequent sections

14. Page 92, line 2.

Strike: "30%"
Insert: "29%"

15. Page 94, line 10.
Strike: "3%"
Insert: "2.75%"

16. Page 94, line 12.
Strike: "3%"
Insert: "2.75%"

17. Page 104, line 2.
Following: "12%"
Insert: "of its market value"

18. Page 104, line 4.
Following: "of"
Insert: ": (a)"
Following: "12%"
Insert: "of its market value;"
Following: "or"
Insert: "(b)"

19. Page 104, line 5.
Strike: "without adjustment"

20. Page 107, lines 9 and 10.
Following: "residence" on line 9
Strike: "ASSESSED AND TAXED AS CLASS FOUR PROPERTY UNDER 15-6-134"

21. Page 109, line 12.
Strike: "except"
Insert: "including"

22. Page 158, line 21.
Strike: "44"
Insert: "79"

23. Page 171.
Following: line 6
Insert: "NEW SECTION. Section 151. Submission to electorate. The question of whether sections 1 through 150 of this act shall be submitted to the electors of Montana at the election called pursuant to section 151 by printing on the ballot the full title of this act and the following:

☐ FOR imposing a 5% sales and use tax, with approximately 75% of the proceeds to be used for business and residential property tax relief and the remainder to be deposited in the state general fund.

☐ AGAINST imposing a 5% sales and use tax, with approximately 75% of the proceeds to be used for business and residential property tax relief and the remainder to be deposited in the state general fund.

NEW SECTION. Section 152. Special election. Pursuant to Article III, sections 5 and 6, of The Constitution of the State of Montana, sections 1 through 150 shall be submitted to the people for their approval or disapproval at a statewide election to be held June 9, 1987.

NEW SECTION. Section 153. Transmittal to the attorney general — statements by attorney general. (1) The secretary of state shall,

within 1 working day of receipt, transmit a copy of sections 1 through 150 and a copy of the form in which the issue will appear on the ballot to the attorney general. The attorney general shall examine the ballot form submitted to his office and within 7 days of receipt of the ballot form notify the secretary of state of his approval or rejection of the ballot form.

(2) Upon receipt of a copy of the ballot form under subsection (1), the attorney general shall order a fiscal note, the substance of which must substantially comply with the provisions of 5-4-205. The budget director is responsible for preparing the fiscal note and shall return it within 4 days. The attorney general shall prepare a fiscal statement of no more than 50 words to be forwarded to the secretary of state at the same time he informs the secretary of state of his approval or rejection of the ballot form.

(3) Upon receipt of a copy of the ballot form, the attorney general shall prepare a statement not exceeding 100 words expressing an impartial explanation of the purpose of sections 1 through 150 in plain, easily understood language. The statement may not be an argument for or against or written to create a prejudice for or against the issue. The attorney general shall forward his explanatory statement prepared under this subsection to the secretary of state at the same time he informs the secretary of state of his approval or rejection of the ballot form.

NEW SECTION. Section 154. Secretary of state to certify ballot. Thirty-five days or more before the special election, the secretary of state shall certify to each county election administrator the form in which the issue is to appear on the ballot, as provided by 13-27-501. Each of the county election administrators shall order the official ballot to be printed in the form certified by the secretary of state.

NEW SECTION. Section 155. Voter information pamphlet. (1) At least 20 days prior to the election called under section 152, the secretary of state shall deliver or have delivered to the counties sufficient copies of a voter information pamphlet. The voter information pamphlet must substantially comply with the provisions of 13-27-401, except the secretary of state may omit publication of the complete text of this act.

(2) The county election administrator shall mail 1 copy of the voter information pamphlet to each registered voter in the county, except that for the purposes of this mailing, 2 or more voters with the same last name and same mailing address may be counted as 1 voter. The mailing must take place no later than 1 week after the pamphlets are received from the printer.

(3) The secretary of state may contract for the printing and delivery of the voter information pamphlet under the immediate procurement provisions of 18-4-133(2).

NEW SECTION. Section 156. Committee appointments — arguments for and against. (1) The arguments advocating approval or rejection of sections 1 through 150 shall be prepared by committees appointed as provided in 13-27-402 and submitted to the secretary of state.

(2) Appointments to committees advocating approval or rejection must be made within 2 days of the passage of [this act]. The persons responsible for appointing members to such committees shall submit

the names and written consent of the appointees to the secretary of state.

(3) The argument advocating approval or rejection is limited to 750 words and must be filed in typewritten form with the secretary of state no later than 38 days before the special election. A majority of the committee responsible for preparation must approve and sign the argument.

(4) The secretary of state shall provide copies of the argument advocating approval or rejection to the chairman of the adversary committee immediately following the filing of both the approval and rejection arguments not to exceed 350 words that must be filed in typewritten form with the secretary of state no later than 3 days after the deadline for filing the original arguments. Discussion in the rebuttal arguments must be limited to the subject matter raised in the argument being rebutted. The rebuttal must be approved and signed by a majority of the committee responsible for its preparation.

NEW SECTION. Section 157. When ballots available for absentee voting. The county election administrator shall ensure that ballots are printed and available for absentee voting at least 10 days prior to the election.

NEW SECTION. Section 158. Special election procedures. (1) The polls for the special election called under section 152 must open not later than noon and must remain open until 8 p.m. or until all registered electors eligible to vote at the polling place have voted, whichever is earlier, at which time the polls shall be closed. The county election administrator may order the polls to open earlier than noon, but no earlier than 7 a.m.

(2) The county election administrator may designate polling places for the election that differ from the polling places designated for other county elections. Notice of the location of the polling places must be given as provided in 13-3-105(2).

NEW SECTION. Section 159. Determination of result of special election. (1) The votes cast at the election required under section 152 shall be counted and canvassed following procedures prescribed by the secretary of state.

(2) The report form for the abstract of votes shall be prepared by the secretary of state and sent to the county election administrators. The county election administrator shall provide the required information and shall send the abstract of votes to the secretary of state by certified mail in an envelope marked "special election returns". Such returns must be received by the secretary of state no later than 5 p.m. on the sixth day following the election.

(3) The board of state canvassers shall meet on the seventh day following the special election. The secretary of state, as secretary of the board of state canvassers, shall prepare and file in his office a report of the canvass which lists:

(a) the total number of electors voting in each county and in each legislative house district, together with the total number of electors in each state; and

(b) the votes by county and legislative house district for and against the issue, together with the total number of votes cast for and against the issue in the state.

(4) The secretary of state shall transmit a certified copy of the statement of the canvass to the governor and the code commissioner within 10 days following the special election.

NEW SECTION. Section 160. Application of election laws. (1) Except as provided in sections 151 through 160, the special election called under section 152 must be conducted and canvassed, and the results returned in the same manner as a general election in Title 13.

(2) The provisions of 13-1-106, 13-2-301(1)(b), 13-3-105, 13-12-201, 13-18-205, and Title 13, chapter 27 do not apply to the election called under section 152.

(3) The secretary of state shall publish notice of the special election as provided by 13-1-108."

24. Page 171, line 8.
Following: "~~15-6-144~~"
Strike: "15-6-143"
Insert: "15-6-144"

25. Page 171, line 14.
Strike: "43"
Insert: "67 and 78"

26. Page 171, line 16.
Strike: "43"
Insert: "67 and 78"

27. Page 171, line 17.
Strike: "44"
Insert: "79"
Strike: "48"
Insert: "83"

28. Page 171, line 19.
Strike: "44"
Insert: "79"
Strike: "48"
Insert: "83"

29. Page 171, line 20.
Strike: "Section 49 is"
Insert: "Sections 68 through 77 are"

30. Page 172, line 22.
Strike: "section 49"
Insert: "sections 68 through 77"
Strike: "43"
Insert: "67 and 68"

31. Page 172, line 23.
Strike: "44"
Insert: "79"
Strike: "48"
Insert: "83"

32. Page 172, line 25.
Strike: "Sections 49"
Insert: "Sections 68 through 77"

33. Page 173, line 2.
Strike: "50"

Insert: "84"
Strike: "117"
Insert: "150 and 161"

34. Page 173, line 4.
Strike: "1988"
Insert: "1987"

35. Page 173, line 5.
Strike: "1988"
Insert: "1987"

36. Page 173, line 6.
Strike: "1989"
Insert: "1988"

37. Page 173, line 9.
Strike: "118"
Insert: "162"
Strike: "123"
Insert: "167"

38. Page 173.
Following: line 10
Insert: "(6) Sections 151 through 160 and 168 are effective on passage by the legislature.

NEW SECTION. Section 168. Coordination instruction. If this act is passed by the legislature and submitted to the electorate at a referendum, section 166, i.e. the effective date section, shall be interpreted to mean that sections 1 through 150 and 161 must be submitted to the electorate on June 9, 1987, that sections 1 through 150 and 161 through 167 are effective on approval by the electorate, and that sections 151 through 160 and 168 are effective on approval by the legislature."

And, as amended, be concurred in. Report adopted.

HB 436, be concurred in. Report adopted.
HB 743, third reading copy, be amended as follows:

1. Page 7, line 7.
Following: "within"
Strike: "12"
Insert: "18"

2. Page 15.
Following: line 25
Insert: "NEW SECTION. Section 14. Coordination instruction. If Senate Bill No. 162, including repeal of 15-18-101, 15-18-401, and 15-18-403, is passed and approved, sections 6 and 7 of this act are void and section 16 of Senate Bill No. 162, relating to time for redemption, is amended as follows (3rd reading copy of SB 162):

1. Page 16, line 24.
Following: "later"
Insert: ", for homestead property or within 18 months from the date of purchase for other property"

2. Page 16, line 25.
Following: "26]"
Strike: ","
Insert: ": (a)"

3. Page 17.
Following: line 8
Insert: "(b) "homestead property" means:

(i) agricultural land meeting the criteria set forth in 15-7-202; or

(ii) (A) a single-family dwelling or unit of a multiple-unit dwelling that is property occupied as a principal residence by an owner of any interest in the dwelling, legal or equitable, excluding a leasehold, tenancy, or similar interest or a lien or encumbrance; and

(B) the lot, tract, or parcel of land upon which the dwelling is located.""
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 776, third reading copy, be amended as follows:

1. Page 3, line 10.
Strike: "January"
Insert: "April"

2. Page 6, line 21.
Following: "crude oil"
Insert: ", after the first 5 barrels,"

3. Page 10, lines 2 and 3.
Following: "notification" on line 2
Strike: "of completion"
Following: "after" on line 3
Strike: "December 31, 1986"
Insert: "March 31, 1987"

4. Page 10, line 12.
Strike: "THE NEXT"
Insert: "Everything over"

5. Page 10, lines 20 through 24.
Following: "any well" on line 20
Strike: ":" on line 20 through "(ii)" on line 24

6. Page 10, line 25.
Strike: "December 31, 1986"
Insert: "March 31, 1987"

7. Page 12, lines 7 and 8.
Strike: "taxable" on line 7 through "January" on line 8
Insert: "April"

8. Page 12, line 14.
Following: "(3)"
Insert: "Section 15-36-101(1)(d) and"
Strike: "SUBSECTION"
Insert: "subsection"

9. Page 12, line 15.
Strike: "TERMINATES"
Insert: "terminate"

And, as amended, be concurred in. Report adopted.

HB 782, third reading copy, be amended as follows:

1. Title, lines 4 through 6.

Following: ""AN ACT"
Strike: "AUTHORIZING A LOCAL GOVERNMENT TO IMPOSE A LOCAL INCOME TAX IF APPROVED BY THE ELECTORATE OF THE LOCAL GOVERNMENT;"

2. Page 2, line 16.
Strike: "through 3 and 5"
Insert: ", 2, and 4"
Strike: "7"
Insert: "6"

3. Page 1, line 23.
Strike: "or income tax"

4. Page 2, line 5.
Following: "~~or~~"
Insert: "or"

5. Page 2, lines 6 through 9.
Strike: subsection (b) in its entirety
Renumber: subsequent subsection

6. Page 3, line 9.
Strike: "7"
Insert: "6"

7. Page 4.
Strike: lines 18 through 21 in their entirety
Renumber: subsequent subsections

8. Page 4, line 24.
Strike: "(8)"
Insert: "(7)"

9. Page 5, line 6.
Strike: "or income"

10. Page 5, line 8.
Strike: "7"
Insert: "6"

11. Page 5, line 12.
Strike: "RESOLUTION"
Insert: "resolution"

12. Pages 5 and 6.
Following: line 18, page 5
Strike: section 3 in its entirety
Renumber: subsequent sections

13. Page 9, line 10.
Strike: "5"
Insert: "4"

14. Page 10, line 7.
Strike: "[SECTION 3] AND"

15. Page 10, line 13.
Strike: "STATEWISE"
Insert: "statewide"

16. Page 11, lines 7, 16, and 20.
Strike: "or income" on all three lines

17. Page 12, lines 10 and 13.
Following: "7" on both lines
Strike: "8" on both lines
Insert: "7" on both lines

And, as amended, be concurred in. Report adopted.

HB 906, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "AND 1988"
Insert: "THROUGH 1989"

2. Page 1.
Following: line 12
Insert: "WHEREAS, the electors of Montana approved Initiative No. 105, limiting certain property taxes to 1986 levels unless the Legislature reduces property taxes prior to July 1, 1987, and establishes alternative revenue sources; and

WHEREAS, it is the intent of the Legislature to enact provisions compatible with the will of the electors in limiting certain property taxes; and

WHEREAS, the Legislature enacted House Bill No. 377 to respond to Initiative No. 105 by reducing property taxes and imposing a general sales and use tax to provide property tax replacement revenue; and

WHEREAS, House Bill No. 906 is enacted to appropriate revenue from the general sales and use tax to provide property tax replacement revenue."

3. Page 9.
Following: line 12
Insert: "NEW SECTION. Section 5. Appropriation. There is appropriated from the general fund to the department of revenue for fiscal year 1989 for the administration of the sales and use tax created in House Bill No. 377, $3,600,000."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill No. 256
Report No. 1, April 10, 1987

Mr. President:

We, your Free Conference Committee on Senate Bill No. 256, met and considered:

Senate Bill No. 256

We recommend as follows:

That Senate Bill No. 256, reference copy, be amended as follows:

1. Page 1, line 23.
Following: "~~COURT~~."
Insert: "The department shall waive the fee for conducting the investigation if the parent or the child's custodian requesting the investigation is a recipient of aid to families with dependent children, food stamps, or general relief benefits."

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Pinsoneault, Chairman	Mercer, Chairman
Halligan	Grady
Brown	Russell

MESSAGES FROM THE OTHER HOUSE

Senate bills concurred in and returned to the Senate:

SB 100, introduced by Abrams.

SB 177, introduced by Yellowtail.

SB 224, introduced by Eck.

SB 266, introduced by Van Valkenburg.

SB 325, introduced by McCallum.

House bill passed and transmitted to the Senate for concurrence:

HJR 50, introduced by Keenan.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 44, introduced by Farrell.

SB 64, introduced by Halligan.

SB 337, introduced by Manning.

SB 389, introduced by McCallum.

Governor's amendments to Senate bill concurred in and returned to the Senate:

SB 374, introduced by Neuman.

Governor's amendments to House bills concurred in and returned to the Senate for concurrence in Governor's amendments:

HB 455, introduced by Miles.

HB 532, introduced by Poulsen.

SB 3, introduced by Keating, and requiring adoption by a two-thirds vote of all members of the Legislature, failed to meet the two-thirds requirement:

HOUSE OF REPRESENTATIVES

YEAS - 52
NAYS - 48

SB 36, introduced by Smith, and requiring adoption by a two-thirds vote of all members of the Legislature, failed to meet the two-thirds requirement:

HOUSE OF REPRESENTATIVES

YEAS - 50
NAYS - 43

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 583. Motion carried.

The President appointed the following members:

Senator Brown, Chairman
Senator Walker
Senator Manning

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to allow the Legislative Fiscal Analyst and the Budget Staff to be on the floor during debate of HB 2. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Williams, Yellowtail.
Total 2

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Neuman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senator Yellowtail present at this time.

HB 2 - Senator Regan moved that HB 2 be concurred in.

All amendments reference the printing of HB 2 following the Senate Finance and Claims Standing Committee Report, dated 4/11/87.

SECTION A. GENERAL GOVERNMENT AND HIGHWAYS
(SUBCOMMITTEE CHAIRMAN - STIMATZ)

Senator Farrell moved that HB 2, pink copy, be amended as follows:

1. Page A-5, line 22.
Strike: "181,719 181,623" under General Fund
Insert: "131,719 50,000 131,623 50,000" under General Fund and State Special Revenue

2. Page A-6.
Following: line 14
Insert: "The $50,000 state special revenue in item 2 shall come from fees collected from services provided by boards and commissions."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit.

Total 27

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 22

Excused: Williams.
Total 1

Absent or not voting: None.
Total 0

Senator Lynch moved that HB 2, pink copy, be further amended as follows:

1. Page A-3, line 6.
Strike: "30,000" in both places
Insert: "37,500" in both places

Amendment failed as follows:

Ayes: Abrams, Anderson, Blaylock, Boylan, Haffey, Halligan, Jacobson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 22

Noes: Aklestad, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Story.
Total 26

Excused: Williams.
Total 1

Absent or not voting: Weeding.
Total 1

Senator Aklestad moved that HB 2, pink copy, be further amended as follows:

1. Page A-4.
Strike: lines 21 and 22 in their entirety

Amendment failed as follows:

Ayes: Aklestad, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Kolstad, McCallum, Meyer, Severson, Smith, Thayer.
Total 19

Noes: Abrams, Anderson, Beck, Bengtson, Blaylock, Eck, Galt, Haffey, Halligan, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 29

Excused: Williams.
Total 1

Absent or not voting: McLane.
Total 1

Senator Mazurek moved that HB 2, pink copy, be further amended as follows:

1. Page A-6, line 24.
Strike: "4,000" and "4,000"
Insert: "8,190" and "8,190"

2. Page A-8, line 11.
Strike: "membership dues to"
Insert: "expenses related to membership in"

Amendment passed as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Beck, Bishop, Boylan, Gage, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McLane, Meyer, Neuman, Severson, Smith, Story, Thayer, Tveit.
Total 21

Excused: Williams.
Total 1

Absent or not voting: Galt, McCallum.
Total 2

Senator Jergeson moved that HB 2, pink copy, be further amended as follows:

1. Page A-12.
Following: line 9
Insert: "4. MONTCLIRC"
Insert: "72,925" under General Fund, FY 1988 and FY 1989
Insert: "18,230" under State Special Revenue, FY 1988 and FY 1989
Renumber: subsequent subsections

Amendment failed as follows:

Ayes: Abrams, Blaylock, Crippen, Gage, Haffey, Halligan, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Stimatz, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 17

Noes: Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Eck, Farrell, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Story, Thayer, Tveit, Vaughn, Walker.
Total 31

Excused: Williams.
Total 1

Absent or not voting: Bishop.
Total 1

Senator Aklestad moved that HB 2, pink copy, be further amended as follows:

1. Page A-12, line 22.
Strike: "8,709,992"
Insert: "8,679,992"
Strike: "8,802,922"
Insert: "8,770,000"

Amendment failed as follows:

Ayes: Aklestad, Anderson, Bishop, Boylan, Brown, Crippen, Galt, Halligan, Harding, Hirsch, Hofman, Kolstad, Lynch, McCallum, McLane, Meyer, Neuman, Story, Thayer, Vaughn, Mr. President.
Total 21

Noes: Abrams, Beck, Bengtson, Blaylock, Eck, Farrell, Gage, Haffey, Hager, Hammond, Himsl, Jacobson, Jergeson, Keating, Lybeck, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 27

Excused: Williams.
Total 1

Absent or not voting: Manning.
Total 1

Senator Gage moved that HB 2, pink copy, be further amended as follows:

1. Page A-19, line 18.
Strike: "8,114,206" under General Fund 1988
Insert: "8,210,256"
Strike: "8,182,783" under General Fund 1989
Insert: "8,278,839"

Amendment failed as follows:

Ayes: Beck, Blaylock, Eck, Gage, Haffey, Halligan, Jacobson, Jergeson, Keating, Lybeck, Manning, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Yellowtail, Mr. President.
Total 19

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Kolstad, Lynch, Mazurek, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Walker, Weeding.
Total 28

Excused: Williams.
Total 1

Absent or not voting: Farrell, McCallum.
Total 2

Comment: The Legislative Fiscal Analyst will adjust all totals to reflect these amendments.

Senator Van Valkenburg moved that the committee rise and beg leave to sit again. Motion carried.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 11:14 a.m.

Senate reconvened at 11:53 a.m.

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 11:56 a.m.

Senate reconvened at 12:55 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Neuman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Agriculture Committee excused at this time: Senators Abrams, Bengtson, Boylan, Galt, Jergeson, Lybeck, Thayer.

SECTION A. GENERAL GOVERNMENT AND HIGHWAYS (CONTINUED)

Senator Gage moved that HB 2, pink copy, be further amended as follows:

1. Page A-14, line 12.
Strike: "180,805 297,421 165,527 267,875"
Insert: "236,805 353,421 221,527 323,875"

Amendment failed as follows:

Ayes: Blaylock, Brown, Eck, Gage, Haffey, Hager, Hammond, Himsl, Hirsch, Kolstad, Manning, Neuman, Pinsoneault, Severson, Stimatz, Tveit, Vaughn.
Total 17

Noes: Aklestad, Anderson, Beck, Bishop, Crippen, Farrell, Halligan, Harding, Hofman, Jacobson, Keating, Lynch, Mazurek, McCallum, McLane, Meyer, Rasmussen, Regan, Story, Walker, Weeding.
Total 21

Excused: Abrams, Bengtson, Boylan, Galt, Jergeson, Lybeck, Thayer, Williams.
Total 8

Absent or not voting: Smith, Van Valkenburg, Yellowtail, Mr. President.
Total 4

Taxation Committee excused at this time: Senators Bishop, Brown, Crippen, Eck, Hager, Hirsch, Halligan, Lybeck, McCallum, Mazurek, Neuman.

Senator Lynch in the Chair.

Senator Aklestad moved that HB 2, pink copy, be further amended as follows:

1. Page A-19, line 18.
Strike: "8,114,206 8,182,783"
Insert: "2,364,206 2,482,783"

Taxation Committee present at this time.

Agriculture Committee present at this time.

Senator Williams present at this time.

Amendment failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Smith, Story, Thayer, Tveit.
Total 21

Noes: Abrams, Bengtson, Blaylock, Boylan, Brown, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Taxation Committee excused at this time.

Senator Van Valkenburg moved that HB 2, pink copy, be amended as follows:

1. Page A-16.
Strike: lines 11 and 12 in their entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Pinsoneault, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 31

Noes: Beck, Hammond, Smith, Story, Tveit, Walker.
Total 6

Excused: Bishop, Brown, Eck, Hager, Halligan, Hirsch, Lybeck, Mazurek, McCallum, Neuman, Severson.
Total 11

Absent or not voting: Blaylock, Rasmussen.
Total 2

Senator Boylan moved that HB 2, pink copy, be further amended as follows:

1. Page A-31, line 18.
Strike: "449,104 445,638"
Insert: "416,466 413,052"

2. Page A-32.
Following: line 14
Insert: "In item 4 the duties are to be handled by the veterans affairs board."

Amendment failed as follows:

Ayes: Anderson, Boylan, Galt, Hofman, Kolstad, Manning, Meyer, Story.
Total 8

Noes: Abrams, Beck, Bengtson, Blaylock, Crippen, Farrell, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Jergeson, Keating, Lynch, McLane, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Excused: Bishop, Brown, Eck, Hager, Halligan, Hirsch, Lybeck, Mazurek, McCallum, Neuman, Severson.
Total 11

Absent or not voting: Aklestad.
Total 1

Senator Van Valkenburg moved that Section A be closed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Crippen, Farrell, Gage, Galt, Haffey, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: None.
Total 0

Excused: Bishop, Brown, Eck, Hager, Halligan, Hirsch, Lybeck, Mazurek, McCallum, Neuman, Severson.
Total 11

Absent or not voting: None.
Total 0

Senator Haffey in the Chair.

SECTION B. HUMAN SERVICES
(SUBCOMMITTEE CHAIRMAN - MANNING)

Senator Lynch in the Chair.

Senator Jacobson moved that HB 2, pink copy, be further amended as follows:

1. Page B-2, line 22.
Strike: "353,823" under General Fund FY 1988
Insert: "448,507" under General Fund FY 1988
Strike: "353,775" under General Fund FY 1989
Insert: "448,494" under General Fund FY 1989

Amendment failed as follows:

Ayes: Abrams, Haffey, Jacobson, Lynch, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 14

Noes: Aklestad, Anderson, Beck, Bengtson, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hofman, Jergeson, Keating, Kolstad, McLane, Meyer, Smith, Story, Thayer, Tveit.
Total 20

Excused: Bishop, Brown, Crippen, Eck, Hager, Halligan, Hirsch, Lybeck, Mazurek, McCallum, Neuman, Severson.
Total 12

Absent or not voting: Blaylock, Boylan, Manning, Rasmussen.

Total 4

Senator Beck moved that HB 2, pink copy, be further amended as follows:

1. Page B-10, line 8.
Strike: "3,000,000 3,000,000"
Insert: "6,000,000 6,000,000"

Taxation Committee, except Hager, present at this time.

Amendment passed as follows:

Ayes: Beck, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Halligan, Harding, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 30

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Galt, Hammond, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Smith, Story, Tveit, Weeding, Williams.
Total 19

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Jacobson moved that HB 2, pink copy, be further amended as follows:

1. Page B-10.
Strike: line 20 in its entirety
Insert: "19,597,654" under General Fund FY 1988
Insert: "57,934,623" under Federal Special Revenue FY 1988
Insert: "84,072,882" under Total FY 1988
Insert: "21,617,217" under General Fund FY 1989
Insert: "68,830,520" under Federal Special Revenue FY 1989
Insert: "97,053,750" under Total FY 1989

Senator Hager present at this time.

Senator Neuman in the Chair.

Amendment failed as follows:

Ayes: Abrams, Beck, Bishop, Blaylock, Eck, Haffey, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Anderson, Bengtson, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, McCallum, Neuman, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 25

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senator Regan moved that HB 2, pink copy, be further amended as follows:

1. Page B-8, line 20.
Strike: "3,932,568 3,447,576"
Insert: "4,319,312 3,691,344"

2. Page B-8, line 23.
Strike: "11,033,494 26,726,580 11,413,301 30,347,772"
Insert: "12,106,956 29,326,843 12,188,745 32,409,662"

Amendment failed as follows:

Ayes: Abrams, Blaylock, Crippen, Eck, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 20

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Williams.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Manning moved that Section B be closed. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 37

Noes: Aklestad, Galt, Hammond, Mazurek, McCallum, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: Boylan, Lynch, McLane, Severson, Smith, Story, Mr. President.
Total 7

SECTION C. NATURAL RESOURCES
(SUBCOMMITTEE CHAIRMAN - BOYLAN)

Senator Smith moved that HB 2, pink copy, be further amended as follows:

1. Page C-3, line 17.
Strike: "495,694" under State Special Revenue FY 1988
Insert: "510,344" under State Special Revenue FY 1988

Amendment passed as follows:

Ayes: Abrams, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman,

Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad.
Total 1

Excused: None.
Total 0

Absent or not voting: Anderson, Boylan, Brown, Gage, Halligan, Jacobson, Lynch, McCallum, Rasmussen, Van Valkenburg.
Total 10

Senator Aklestad moved that HB 2, pink copy, be further amended as follows:

1. Page C-3, line 22.
Strike: "107,664 40,300 104,182 45,300"
Insert: "42,204 30,300 42,222 35,300"

Amendment failed as follows:

Ayes: Aklestad, Beck, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, McCallum, Meyer, Story, Thayer, Tveit.
Total 21

Noes: Abrams, Anderson, Bengtson, Blaylock, Eck, Haffey, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Halligan, Rasmussen.
Total 2

Senator Aklestad moved that HB 2, pink copy, be further amended as follows:

1. Page C-11, line 8.
Strike: "438,152 451,118"
Insert: "293,152 306,118"

Amendment failed as follows:

Ayes: Aklestad, Beck, Bishop, Boylan, Crippen, Farrell, Gage, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, McCallum, Pinsoneault, Stimatz, Thayer, Tveit, Williams.
Total 20

Noes: Abrams, Anderson, Bengtson, Blaylock, Brown, Eck, Galt, Haffey, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Regan, Smith, Story, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Halligan, McLane, Rasmussen, Severson.

Total 4

Senator Mazurek moved that HB 2, pink copy, be further amended as follows:

1. Page C-15, line 8.
Strike: "433,337" under General Fund FY 1988
Insert: "2,500,000" under General Fund FY 1988
Strike: "433,337" under General Fund FY 1989
Insert: "2,500,000" under General Fund FY 1989

2. Page C-19.
Following: line 15
Strike: lines 16 and 17 in their entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Boylan moved that Section C be closed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECTION D. DEPARTMENT OF INSTITUTIONS (SUBCOMMITTEE CHAIRMAN - BENGTSON)

Senator Bengtson moved that Section D be closed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECTION E. OTHER EDUCATION
(SUBCOMMITTEE CHAIRMAN - JACOBSON)

Senator Jacobson moved that HB 2, pink copy, be further amended as follows:

1. Page E-3, line 16.
Strike: "437,612 437,493" under State Special Revenue FY 1988 and FY 1989
Insert: "416,266 416,149" under State Special Revenue FY 1988 and FY 1989

2. Page E-4, line 12.
Strike: "$408,612" and "$408,493"
Insert: "$387,266" and "$387,108"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jacobson moved that Section E be closed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECTION F. HIGHER EDUCATION
(SUBCOMMITTEE CHAIRMAN - JACOBSON)

Senator Regan moved that HB 2, pink copy, be further amended as follows:

1. Page F-3, line 8.
Strike: "1,656,141"
Insert: "1,621,141"
Strike: "1,415,429"
Insert: "1,380,429"

Amendment failed as follows:

Ayes: Aklestad, Boylan, Gage, Galt, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McLane, Meyer, Neuman, Rasmussen, Regan, Smith.
Total 16

Noes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hammond, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, Pinsoneault, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: Bishop.
Total 1

Senator Haffey in the Chair.

Senator Neuman excused at this time.

Senator Meyer moved that HB 2, pink copy, be further amended as follows:

1. Page F-5.
Strike: lines 4 through 25 in their entirety

2. Page F-6.
Strike: lines 4 through 8 in their entirety

Amendment failed as follows:

Ayes: Aklestad, Bengtson, Bishop, Boylan, Farrell, Gage, Galt, Hager, Halligan, Hofman, Keating, McCallum, Meyer, Pinsoneault.
Total 14

Noes: Abrams, Anderson, Beck, Blaylock, Brown, Crippen, Eck, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Excused: Neuman.
Total 1

Absent or not voting: Haffey, Thayer.
Total 2

Senator Kolstad moved that HB 2, pink copy, be further amended as follows:

1. Page F-6, line 14.
Strike: "6,124,968"
Insert: "6,204,968"
Strike: "8,123,271"
Insert: "8,203,271"
Strike: "6,177,135"
Insert: "6,257,135"
Strike: "8,175,438"
Insert: "8,255,438"

2. Page F-6, line 19.
Strike: "6,124,968"
Insert: "6,204,968"
Strike: "8,509,225"
Insert: "8,589,225"
Strike: "6,177,135"
Insert: "6,257,135"
Strike: "8,561,392"
Insert: "8,641,392"

3. Page F-6.
Following: line 19
Insert: "Included within the general fund appropriation to the Montana agricultural experiment station is $80,000 for each fiscal year for the purpose of establishing and operating a permanent, ongoing spring wheat breeding and biotechnology program in Montana."

Senator Neuman present at this time.

Amendment passed as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Regan, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Beck, Farrell, Gage, Keating, Rasmussen, Severson.
Total 7

Excused: None.
Total 0

Absent or not voting: Bishop, Haffey, Hirsch, Pinsoneault, Story.
Total 5

Senator Hammond moved that HB 2, pink copy, be further amended as follows:

1. Page F-8.
Strike: lines 21 and 22 in their entirety

2. Page F-8, line 23.

Strike: "c."
Insert: "b."

Amendment failed as follows:

Ayes: Aklestad, Beck, Bishop, Gage, Galt, Hammond, Harding, Himsl, Kolstad, McCallum, McLane, Meyer, Neuman, Rasmussen, Smith, Thayer, Tveit, Weeding.
Total 18

Noes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Hager, Halligan, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: Haffey, Severson.
Total 2

Senator Jacobson moved that Section F be closed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Lynch.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that HB 2, pink copy, be further amended as follows:

1. Page BP-3, line 21.
Following: "branch;"
Insert: "or"

2. Page BP-3.
Strike: line 22 in its entirety
Renumber: subsequent subsection

Amendment failed as follows:

Ayes: Abrams, Aklestad, Bishop, Farrell, Galt, Hager, Halligan, Hammond, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Thayer, Van Valkenburg, Weeding, Williams, Mr. President.
Total 25

Noes: Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Haffey, Harding, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Regan, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that HB 2, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Anderson, Bishop, Farrell, Gage, Galt, Hammond, Hirsch, Hofman, Keating, McCallum, Meyer, Severson, Smith, Tveit.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Comment: The Legislative Fiscal Analyst will adjust all totals to reflect these amendments.

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Haffey moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 6:00 p.m. Motion carried.

Senate recessed at 5:39 p.m.

Senate reconvened at 6:15 p.m.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Regan, Chairman) 4/13/87

HB 38, third reading copy, be amended as follows:

1. Statement of intent, page 1, line 6.
Strike: "6"
Insert: "7"

2. Statement of intent, page 1, line 7.
Strike: "5 AND 11"
Insert: "6"

3. Statement of intent, page 1, line 11.

Following: "6"
Insert: "and the retention preference provided for in section 6"

4. Statement of intent, page 3.
Following: line 18
Insert: "(6) Appraisal methods. The legislature intends the rules to assist public employers in developing methods of appraising employee performance for the purpose of applying the retention preference."

5. Title, lines 12 through 14.
Strike: "AND" on line 12 through "ACT" on line 14

6. Page 1, line 22.
Strike: "6 AND 11"
Insert: "7"

7. Page 4, lines 7 and 8.
Strike: "or" on line 7 through "university" on line 8

8. Page 4, line 11.
Following: ","
Insert: "a community college, the board of regents of higher education, the Montana university system,"

9. Page 6, line 6.
Strike: "6 and 11"
Insert: "7"

10. Page 6, line 7.
Strike: "OR" through "30,"

11. Page 6, line 9.
Strike: "IN" through "HIRING"
Insert: "for employment"

12. Page 9, line 12.
Strike: "6 AND 11"
Insert: "7"

13. Page 9, line 14.
Strike: "6 AND 11"
Insert: "7"

14. Page 10.
Following: line 19
Insert: "NEW SECTION. Section 6. Retention during reduction in force. (1) Except as provided in subsections (2) and (3), during a reduction in force, a public employer shall retain in a position a:

(a) veteran, disabled veteran, or eligible relative whose performance has not been rated unacceptable under a performance appraisal system, over other employees with similar job duties and qualifications and the same length of service; and

(b) disabled veteran with a service-connected disability of 30% or more whose performance has not been rated unacceptable under a performance appraisal system, over other veterans, disabled veterans, and eligible relatives with similar job duties and qualifications and the same length of service.

(2) No employee is entitled to preference in retention under subsection (1) unless the person is a United States citizen.

(3) The preference in retention under subsection (1) does not apply to a position covered by a collective bargaining agreement."
Renumber: subsequent sections

15. Page 10, line 22.
Strike: "5 AND 11"
Insert: "6"

16. Page 16, lines 10 through 14.
Following: "(7)" on line 10
Strike: ""SCORED" through "ADDED" on line 14
Insert: ""Substantially equal qualifications" means the qualifications of two or more persons among whom the public employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons"

17. Page 17, lines 20 through 24.
Strike: section 11 in its entirety
Renumber: subsequent sections

18. Page 18, line 2.
Strike: "Point"
Insert: "Employment"

19. Page 18, line 2.
Following: "~~(a)~~"
Insert: "(a)"

20. Page 18, lines 10 through 12.
Strike: "add" on line 10 through "procedure" on line 12
Insert: "hire the applicant over any other applicant with substantially equal qualifications who is not a preference eligible applicant.

(b) In an initial hiring, a public employer shall hire a handicapped person over an eligible spouse with substantially equal qualifications"

21. Page 21, line 6.
Strike: "applied" through "and"

22. Page 21, line 8.
Strike: "hiring" through "The"
Insert: "determination pursuant to 39-30-103(7) and the"

23. Page 22, line 13.
Strike: "6 AND 11"
Insert: "7"

24. Page 23, line 9.
Strike: "6 AND 11"
Insert: "7"

25. Page 23, line 17.
Strike: "6 AND 11"
Insert: "7"

And, as amended, be concurred in. Report adopted.

HB 880, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 4/13/87

SB 384, introduced bill, be amended as follows:

1. Page 5, line 7.

Following: "effective"
Strike: "on July 1, 1987,"
Insert: "when sufficient revenue is collected and dedicated to the replacement of revenue that would be lost as a result of this act"

And, as amended, do pass. Report adopted.

HB 726, be concurred in. Report adopted.
HB 816, third reading copy, be amended as follows: 4/11/87

1. Title, line 7.
Following: "PROPERTY;"
Insert: "ESTABLISHING LOCAL GOVERNMENT APPROVAL AS A PREREQUISITE FOR CLASSIFICATION AS CLASS TWENTY PROPERTY;"

2. Page 3.
Following: line 24
Insert: "NEW SECTION. Section 2. Application for classification as class twenty property — local government approval required. (1) A person applying for classification of property as class twenty property shall make an application to the department of revenue on a form provided by the department without cost.

(2) The department may not grant an application for classification of property as class twenty property unless the governing body of the affected county or incorporated city or town approves the application by resolution, following due notice as defined in 76-15-103 and a public hearing, for its respective jurisdiction.

(3) The resolution provided for in subsection (2) must specify the property that the taxing jurisdiction approves for classification as class twenty property.

(4) The property valuation reduction granted to class twenty property under [section 1] applies only to the number of mills levied and assessed for local high school district and elementary school district purposes and to the number of mills levied and assessed by an approving governing body over which it has sole discretion. In no case may the property valuation reduction for the class twenty property apply to levies or assessments required under Title 15, chapter 10; 20-9-331; 20-9-333; or otherwise required under state law."
Renumber: subsequent sections

3. Page 7, line 2.
Strike: "Section 1 is"
Insert: "Sections 1 and 2 are"

4. Page 7, line 4.
Strike: "section 1"
Insert: "sections 1 and 2"

And, as amended, be concurred in. Report adopted.

HB 848, be concurred in. Report adopted. 4/13/87
HB 904, third reading copy, be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: "REVISE THE"
Insert: "PROVIDE A 10 PERCENT SURTAX ON"

2. Title, line 5.

Strike: "SYSTEM"

3. Title, line 6.
Strike: "ADJUST THE"
Insert: "APPROPRIATE FUNDS FROM THE EDUCATION AND LOCAL IMPACT TRUST TO THE SCHOOL"

4. Title, line 7.
Strike: "SCHEDULES FOR ELEMENTARY SCHOOLS AND HIGH SCHOOLS"

5. Title, line 10.
Strike: "1-1-207, 7-14-1133, 7-34-2416, 15-1-101,"

6. Title, lines 11 through 14.
Following: "15-1-501," on line 11
Strike: remainder of line 11 through "15-32-402," on line 14

7. Title.
Strike: line 15 in its entirety

8. Title, line 16.
Strike: "19-9-1005, 19-13-1003,"
Following: "20-9-319,"
Insert: "AND"

9. Title, lines 17 through 20.
Following: "20-9-343," on line 17
Strike: "53-2-101, AND 67-11-303,"
Following: "MCA;" on line 17
Strike: remainder of line 17 through "MCA;" on line 20

10. Page 1, line 25 through line 19, page 9.
Strike: sections 1 through 5 in their entirety
Renumber: subsequent sections

11. Page 10, line 25 and line 1, page 11.
Following: "title" on line 25
Strike: remainder of line 25 through end of line 1

12. Page 12, line 8 through line 20, page 56.
Strike: sections 7 through 25 in their entirety
Renumber: subsequent sections

13. Page 59, line 20 through line 7, page 68.
Strike: sections 27 through 36 in their entirety
Renumber: subsequent sections

14. Page 76, lines 20 through 23.
Strike: section 41 in its entirety
Insert: "NEW SECTION. Section 7. Exemption for gain on sale or exchange of certain capital assets. Notwithstanding the provisions of 15-30-111, adjusted gross income does not include 40% of capital gains on the sale or exchange of capital assets before December 31, 1986, as capital gains are determined under subchapter P. of Chapter 1 of the Internal Revenue Code as it read on December 31, 1986."
Renumber: subsequent sections

15. Page 76, line 25 and line 1, page 77.
Following: "appropriated" on line 25
Insert: "$34 million from the education and local impact trust and $62 million"
Following: "to the" on line 25

Strike: "superintendent of public instruction $96 million"
Insert: "school foundation program"

16. Page 77, line 2.
Following: "."
Insert: "The governor is authorized to reduce the general fund appropriation to the amount necessary to fund the school foundation schedules in 20-9-318 and 20-9-319."

17. Page 77, lines 4 and 7.
Strike: "12" and "40"
Insert: "6" and "7"

18. Page 77, lines 12 through 14.
Strike: section 45 in its entirety
Renumber: subsequent sections

19. Page 77, lines 16 and 18.
Strike: "42"
Insert: "8"

20. Page 77, line 21.
Strike: "21, 26 through", "36, and", and "41"
Insert: "7"

21. Page 77, line 24 through line 6, page 78.
Strike: subsections (4) and (5) in their entirety

22. Page 78, line 7.
Strike: "40"
Insert: "6"

And, as amended, be concurred in. Report adopted.

HJR 48, be concurred in. Report adopted.

MOTIONS

Senator Lynch moved that the President be authorized to dissolve the Conference Committee and appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 796. Motion carried.

The President appointed the following members:

Senator Lynch, Chairman
Senator Crippen
Senator McLane

Senator Blaylock moved that the proceedings of the Memorial Service on Sunday, April 12th be entered upon the Journal of the Senate of the Fiftieth Legislature, and a copy be transmitted by the Secretary of the Senate to the surviving members of the families and a copy to be filed with the Montana Historical Society. Motion carried.

MEMORIAL SERVICE
Honorary Tribute

Mr. President, Mr. Speaker, Members of the 50th Legislature, Honored Guests, Ladies and Gentlemen:

Today we come together to observe a solemn tradition of the Montana Legislature.

The Legislature of Montana is many things. It is the setting for debate, discussion, controversy and also compromise. From within its twin chambers emerges a reflection of the hopes, dreams and aspirations of the citizens of our state, but foremost the Legislature is an assembly of men and women who have volunteered to serve. These emissaries of the public trace their roots to all parts of this great state and as elected stewards of the public interest, they are summoned to Helena every two years.

Who are these people who offer themselves in public service? They are men and women from all 56 counties and from every vocational endeavor. After taking on the mantle of a legislator, they must, for a significant number of days, lay aside their everyday responsibilities, be they in agriculture, business, the professions or a dozen different callings.

They may serve but a single term or a score of years, but out of their tenure in the Legislature develops a camaraderie that is unique among those with whom this duty has been shared.

They who have served, and we who carry on, would make no special claim as to our wisdom, judgment, foresight or compassion, but as legislators, all of us have walked together along a common path. Each of us has known the challenges and joys as well as the elations and frustrations, and each of us has known those nostalgic moments when time permits us to reflect on how fortunate we are to have been chosen for this enriching experience.

Serving in the Legislature certainly presents an opportunity to become associated with a quality group of people that becomes far more than a mere acquaintanceship. It is a composit of respect, affection and fellowship that can only come from having been there, and having met the test together.

It is, therefore, fitting and proper that each general session of the Legislature provides the opportunity to offer a final salute and memorial tribute to those valued friends and colleagues who have passed from this life since we last convened, and that the families and friends of those whom we honor be invited to attend these special proceedings.

Those we honor today represent not only dedicated public servants, but personal friends with whom we shared so much. At this time we extend to their families and loved ones who are with us today our condolences and deep respect.

Thank you for coming and thank you also for allowing us to convey our most sincere sentiments about that special person in your life whose passage has brought us together today. Thanks again. Senator John D. Lynch

IN MEMORIAM - PATRICK J. GILFEATHER

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fiftieth Legislative Assembly of the State of Montana record the passing of former Senator Patrick J. Gilfeather on August 7, 1986, in Great Falls, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Gilfeather be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Senator Gilfeather was born on March 28, 1908 in Deer Lodge, Montana to Thomas and Cora Gilfeather. He finished high school near Winnett, in Petroleum County by working for his room and board there.

In 1930 he graduated from Intermountain College in Helena with a degree in history. He earned his law degree from the University of Montana where he worked as an employee at the Missoula Merchantile.

Gilfeather began practicing law in Winnett in 1933 and was Petroleum County attorney from 1935 to 1937.

Senator Gilfeather and Margaret Raitt of Helena were married August 7, 1937, in Lewistown, Montana. In 1937, the young couple moved to Great Falls where Senator Gilfeather was employed by the law firm of Graybill and Graybill. In 1940 he left to be Assistant Attorney General under R.V. Bottomly in Helena.

During World War II, he served in the U.S. Navy. In 1946, after his military service, he returned to Great Falls where he started his private practice and was appointed city attorney in 1949. He was deputy Cascade County attorney starting in 1965, working in the areas of schools and taxation.

The former Senator Gilfeather was elected to the 1959 and 1965 sessions of the House of Representatives. In 1966 and 1970 he was elected to terms in the Senate, then in 1974 was elected to the Public Service Commission.

In 1964, he was one of the founders of MontCARE - he last four letters of which stand for Citizens Against Rate Excesses - a lobbying group opposed to rate increases.

Senator Gilfeather was active in many state and local organizations throughout his life. He served four years as Cascade County Democratic Central Committee chairman and 10 years as a committee officer, was a member of the City-County Planning Board, a Director of the Montana Fairer Taxes Association and past President of the Cascade County Bar Association.

Patrick Gilfeather believed in public service which made up a large part of his career. The gift of his service is a reminder of "what we can do for our country".

He is survived by his wife, Margaret, and three sons: Grant, of Scottsdale, Arizona; Dr. Frank, of Lincoln, Nebraska and Washington, D.C.; and Glen, of Austin, Texas. Other survivors include four grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Patrick J. Gilfeather and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fiftieth Legislative Assembly and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate of the Fiftieth Legislative Assembly, be transmitted by the Secretary of the Senate to the surviving members of Senator Gilfeather's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

IN MEMORIAM - LESTER C. GOODWIN

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fiftieth Legislative Assembly of the State of Montana record

the passing of former Senator Lester C. Goodwin on January 24, 1986, at the Veterans Administration Hospital at Fort Harrison in Helena.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Goodwin be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Senator Goodwin was born on December 16, 1897 in East Helena. He moved to Townsend in 1939 and built the River Inn, which he operated until 1956.

Senator Goodwin and Anne Kuhn were married on January 2, 1940, in Dillon, Montana.

He served in the Navy during World War I and with the Seabees during World War II and was a member of the Veterans of Foreign Wars and the American Legion.

The late Senator Goodwin was elected to the House of Representatives in 1951 and served his remaining terms in the Senate from 1953 to 1963.

He was a civic-minded individual and an avid fisherman.

Survivors include his wife, Anne, of Townsend; three daughters, Vivian Johnson and Dorothy Massro, both of Burtmouth, New Hampshire, and Arlene Plymale of Helena; and seven grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Lester C. Goodwin and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fiftieth Legislative Assembly and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate of the Fiftieth Legislative Assembly, be transmitted by the Secretary of the Senate to the surviving members of Senator Goodwin's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

IN MEMORIAM - REX F. HIBBS

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fiftieth Legislative Assembly of the State of Montana record the passing of former Senator Rex F. Hibbs on July 29, 1985, in Billings, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Hibbs be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Senator Hibbs was born on November 17, 1906 in Huntley Project to Edgar and Edna Hibbs. He was a full-time cowboy and broke horses in the Blackfoot country during his college days, and remained an avid horseman the remainder of his years.

He attended college at the University of Oregon in Eugene, where he completed his undergrduate studies. He graduated from the University of Montana School of Law in 1935, and returned to Billings to practice law.

Senator Hibbs and Margaret Deckert were married in Billings in 1938.

He served in the United States Army as a Sergeant in World War II from 1943 to 1945.

Hibbs served as State Senator from Yellowstone County from 1950 to 1962 and from 1966 to 1970. He was the leading force in representing the State of Montana on the Reapportionment Bill.

He was senior partner of the Hibbs, Sweeney and Colberg law firm in Billings until he retired.

Senator Hibbs was active in many state and local organizations throughout his life. He was the Yellowstone County attorney from 1941 to 1943. He was the President of the Montana Bar Association and served on the Montana Unemployment Compensation Commission. From 1961 to 1963 he was a member of the Legislative Council, a member of the Early Times Committee, and on the Board of Directors of Northwest Bank of Billings and Little Horn State Bank of Hardin.

Hibbs was also a stockman and rancher and a member of the Montana Stockgrowers Association.

Senator Hibbs had many hobbies, including having his pilot's license and taking up the popular sport of snow skiing at the age of 61.

He is survived by his two sons: William, of Minneapolis; and Robert, of Seattle. Both are attorneys.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Rex F. Hibbs and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fiftieth Legislative Assembly and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate of the Fiftieth Legislative Assembly, be transmitted by the Secretary of the Senate to the surviving members of Senator Hibbs' family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

IN MEMORIAM - STUART A. OLSON

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fiftieth Legislative Assembly of the State of Montana record the passing of former Senator Stuart A. Olson, M.D., on February 8, 1986, in Billings, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Olson be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Senator Olson was born on November 26, 1908, in Lang, Saskatchewan, Canada - a son of Christopher and Clara Olson.

He attended schools in Stanley, Wisconsin, and received his medical degree from the University of Minnesota.

In 1936, he came to Montana where he made his home in Glendive.

Senator Olson and D'Arline Carrico were married in 1941 in Glendive. She passed away in 1976. Three years later, he married Barbara Rigg in Billings and they moved to Billings in 1981.

Dr. Stuart Olson practiced medicine in Glendive for 34 years serving as chief surgeon of Northern Pacific Hospital from 1958 until retiring in 1970.

He then entered Republican politics, serving in the House of Representatives from Dawson County from 1971 to 1976 and in the Senate from 1976 to 1982 when he retired.

Senator Olson was active in many state and local organizations throughout his life. He was an 18-year member and former chairman of Dawson County School Board, a life member of the Elks Lodge of Glendive, a member of the American Medical Association and Montana Medical Association, and a member of the Masonic Lodge in Glendive.

Prior to his death, the late Senator Olson had just completed his book about his life and practice of medicine in Eastern Montana.

Dr. Olson is survived by his wife, Barbara, of Billings. Additional survivors include: two sons, Richard, of Nashville, Tennessee, and Ronald, of Bozeman; three stepsons, Richard Rigg, of Worland, Wyoming, Thomas Rigg and David Rigg, both of Billings; a stepdaughter, Patty Harrington of Worland, Wyoming; two brothers, William, of Phoenix, Arizona, and Gail, of LaGrange, Illinois; a sister, Nora Clark of Omaha, Nebraska; four grandchildren and seven stepgrandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Dr. Stuart A. Olson and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fiftieth Legislative Assembly and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate of the Fiftieth Legislative Assembly, be transmitted by the Secretary of the Senate to the surviving members of Senator Olson's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

IN MEMORIAM - ARNOLD C. RIEDER

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fiftieth Legislative Assembly of the State of Montana record the passing of former Senator Arnold C. Rieder on September 3, 1985, in Great Falls, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Rieder be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Senator Rieder was born on June 20, 1906, in Basel, Switzerland. He came to the United States with his family in 1911 and lived in Allentown, Pennsylvania; East Peoria, Illinois; and Burns, Oregon before moving to Boulder and entering the cattle business in 1942.

Senator Rieder and Floy Crabtree were married in 1934 in LaRose, Illinois, where he was a farmer and stockman.

The late Senator Rieder served four terms in the House of Representatives, starting in 1951 and served in the Senate from 1959 until 1967. He also served on the Montana Fish and Game Commission and was vice-chairman of that group for a number of years.

In 1957, Rieder wrote and was instrumental in enacting the first hunter safety act in Montana, making Montana the first western state to pass such a bill. He also carried a bill to prevent the Highway Department from straightening streams. He was named Conservationist Of The Year by the Montana Wildlife Federation in 1984.

Senator Rieder retired from ranching over 10 years ago and moved to Helena.

He is survived by his wife, Floy; two sons, Dan, of Bozeman and Dave, of Boulder; two daughters, Sarah Tudor of Great Falls and Mary Stahl of Fairview; and three sisters, Ann Bassett and Betty Baker, both of Peoria, Illinois, and Emma Clifts of Carlsbad, California.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Arnold C. Rieder and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fiftieth Legislative Assembly and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate of the Fiftieth Legislative Assembly, be transmitted by the Secretary of the Senate to the surviving members of Senator Rieder's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

IN MEMORIAM - EDWARD E. SWANZ

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Fiftieth Legislative Assembly of the State of Montana record the passing of former Senator Edward E. Swanz on April 27, 1985, in Harlowton, Montana.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Senator Swanz be filed on the official records of this Assembly and the following facts relative to his career are hereby noted:

Senator Swanz was born in Utica, Montana, on July 14, 1894, and moved to Harlowton in 1913. He attended school in Hobson, and as a young man he enjoyed baseball and played with various Hobson and Harlowton teams.

In 1916, Dr. Swanz and Mary Graves were married. He operated the Graves Hotel from 1925 until his son joined him in 1950. He also maintained his optometry office in the hotel all those years and had the reputation as an outstanding example of his profession. Three grandsons have followed in his footsteps, with two of them practicing in Billings. A tribute to Dr. Edward Swanz, along with his optometry license hangs in the clinic of his grandsons, Dr. Dennis Swanz and Dr. Duane Swanz.

Senator Swanz served two terms in the House of Representatives from 1960-1964, followed by two terms in the Senate.

He was active in many state and local organizations throughout his life and was always keenly interested in his community. He served on the city council for eight years and was mayor for four years. He was a member of the

Harlowton School Board for six years and served as president of the Chamber of Commerce.

Dr. Swanz was also director of the Continental National Bank in Harlowton, and was board chairman for two terms. He was a 60-year member of the Masonic Lodge and a member of the Federated Church.

Survivors include his son, Don, of Harlowton; a daughter, Dorothy Gans of Walnut Creek, California; six grandchildren and seven great-grandchildren.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Dr. Edward E. Swanz and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the Journal of the Senate of the Fiftieth Legislative Assembly and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate of the Fiftieth Legislative Assembly, be transmitted by the Secretary of the Senate to the surviving members of Senator Swanz's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

Bill Norman
President of the Senate

Bonnie Wallem
Secretary of the Senate

Chet Blaylock
Co-Chairman of the
Memorial Committee

Allen C. Kolstad
Co-Chairman of the
Memorial Committee

J.D. Lynch
Member of the
Memorial Committee

Senator Van Valkenburg moved that HB 904 be placed on second reading at the top of the board this legislative day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to place all bills passed on second reading on the 83rd legislative day on third reading that day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Haffey in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 904 - Senator Neuman moved that HB 904 be concurred in. Motion carried as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 33

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Galt, Halligan, Hammond, Harding, Himsl, Hofman, Kolstad, McCallum, Smith, Story, Thayer, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Haffey moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to place HB 2 and HB 904 on third reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 2 concurred in as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Halligan, Harding, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 34

Noes: Aklestad, Anderson, Bishop, Farrell, Gage, Galt, Hammond, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Smith, Tveit.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 904 concurred in as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Gage, Haffey, Hager, Himsl, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Farrell, Galt, Halligan, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Smith, Story, Thayer, Tveit.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 666 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad,

Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 849 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Farrell, Keating, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 861 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Aklestad, Beck, Galt, Hammond, Thayer.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 873 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 163, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Boylan, Hager.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 277, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 837, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 397, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Hofman, Keating.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 44 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Boylan, Galt, Hammond, Hirsch, Pinsoneault.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., April 14, 1987.

Motion carried.

Senate adjourned at 6:56 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTY-THIRD LEGISLATIVE DAY

Helena, Montana
April 14, 1987

Senate Chambers
State Capitol

Senate convened at 9:05 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-second legislative day, find the same to be correct.

Galt, Chairman

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 9:09 a.m.

Senate reconvened at 10:04 a.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/14/87

Signed by the President at 9:30 a.m., 4/13/87:

HB 20	HB 364	HB 373	HB 381
HB 400	HB 406	HB 471	HB 771
HB 831			

Signed by the President at 4:30 p.m., 4/13/87:

HB 329	HB 501	HB 503	HB 530
HB 554	HB 622	HB 642	HB 750
HB 839			

Report adopted.

Adverse Committee Reports

FINANCE AND CLAIMS (Regan, Chairman) 4/13/87

HB 593, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hirsch, Lybeck, Meyer, Vaughn.
Total 4

HB 855, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Bengtson, Crippen, Jergeson, Thayer.
Total 4

Excused: None.
Total 0

Absent or not voting: Blaylock, Hirsch, Lybeck, Meyer, Vaughn.
Total 5

HB 862, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Bengtson, Jergeson, Kolstad, Smith, Weeding.
Total 6

Excused: None.
Total 0

Absent or not voting: Hirsch, Lybeck, Meyer, Vaughn.
Total 4

HB 867, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Farrell, Gage, Halligan, Harding, Himsl, Hofman, Keating, Mazurek, McCallum, McLane, Regan, Severson, Smith, Story, Thayer, Tveit, Yellowtail.
Total 24

Noes: Abrams, Bengtson, Crippen, Eck, Galt, Haffey, Hager, Hammond, Jacobson, Jergeson, Kolstad, Lynch, Manning, Neuman, Pinsoneault, Rasmussen, Stimatz, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Hirsch, Lybeck, Meyer, Vaughn.
Total 4

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 325
Report No. 1, April 11, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 325, met and considered:

House Bill No. 325

We recommend as follows:

That House Bill No. 325, reference copy, be amended as follows:

1. Title, line 20.
Strike: "AMENDING SECTION 2-18-303, MCA;"

2. Page 7, line 13.
Following: "CONTRACT"
Insert: ", as necessary,"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Mazurek, Chairman	Mercer, Chairman
Farrell	Cody
Hirsch	Nelson

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, Montana 59620

April 14, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 189, 303, 315, 344, and 380 on this date. I signed Senate Bill No. 329 on April 13, 1987.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

SB 162, introduced by Mazurek.

House bill passed and transmitted to the Senate for concurrence:

HB 889, introduced by Winslow.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 22, introduced by Van Valkenburg.

SB 48, introduced by Brown.

SB 74, introduced by Mazurek.

SB 190, introduced by Lybeck.

SB 272, introduced by Lynch.

SB 340, introduced by Severson.

SB 383, introduced by Gage.

SJR 14, introduced by Gage.

Senate bill concurred in, with statement of intent attached, and returned to the Senate for concurrence in statement of intent:

SB 325, introduced by McCallum.

Conference Committee Reports adopted:

SB 274, Conference Committee Report.

HB 210, Free Conference Committee Report.

The House, on 4/11/87, dissolved the Conference Committee on Senate amendments to HB 277 and requested the Senate dissolve its like committee and appoint a Free Conference Committee to confer on HB 277.

The Speaker appointed the following members:

Representative Rehberg
Representative Donaldson
Representative Connelly

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 331. Motion carried.

The President appointed the following members:

Senator Smith, Chairman
Senator Severson
Senator Yellowtail

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to allow the receipt of House amendments to SB 48 and House amendments to SB 190. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 43

Noes: Halligan, Mazurek, Pinsoneault.
Total 3

Excused: None.
Total 0

Absent or not voting: Galt, Hirsch, Story, Williams.
Total 4

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to allow the receipt of HB 889. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.

Total 42

Noes: Crippen, Himsl, Keating, Lynch.
Total 4

Excused: None.
Total 0

Absent or not voting: Hirsch, Neuman, Story, Williams.
Total 4

Senator Jergeson moved that the Senate temporarily suspend the rules to request the return of HB 881 from the House.

Senator Lynch moved the previous question. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Boylan, Brown, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 37

Noes: Beck, Bengtson, Blaylock, Crippen, Eck, Himsl, Hirsch, Jergeson, Pinsoneault, Regan, Severson, Van Valkenburg, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jergeson's motion failed as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Halligan, Himsl, Hofman, Jergeson, Keating, Lybeck, Manning, Mazurek, McLane, Pinsoneault, Rasmussen, Regan, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Noes: Aklestad, Beck, Farrell, Gage, Galt, Hammond, Harding, Hirsch, Jacobson, Lynch, McCallum, Meyer, Neuman, Severson, Smith, Stimatz, Story, Thayer, Tveit, Walker.
Total 20

Excused: None.
Total 0

Absent or not voting: Kolstad.
Total 1

Senator Haffey moved that the Senate reconsider its action in adopting the Adverse Committee Report on HB 867 and print and place it on second reading this day.

Senator Boylan moved the previous question. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.

Total 41

Noes: Aklestad, Blaylock, Gage, Hofman, Regan, Story, Yellowtail.
Total 7

Excused: None.
Total 0

Absent or not voting: Galt, Severson.
Total 2

Senator Haffey's motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Beck, Boylan, Brown, Gage, Himsl, Hofman, McCallum, Regan, Story.
Total 10

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Farrell moved that the Senate override the Governor's veto of HB 519. Senator Farrell withdrew the motion.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 361 - Senator Brown moved that HB 361 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 - Senator Farrell moved that HB 656 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 703 - Senator Thayer moved that HB 703, third reading copy, be amended as follows:

1. Taxation Committee Report, dated 4/10/87, amendment #2, inserted material.
Following: "CORPORATIONS"
Strike: "SUBJECT TO WORLD-WIDE APPORTIONMENT AND ELIGIBLE TO MAKE"
Insert: "MAKING"

2. Taxation Committee Report, dated 4/10/87, amendment #4 changes to 15-31-121.
Following: "taxpayer" on the first line of subsection (2)
Strike: "that is subject to world-wide apportionment and eligible to make"
Insert: "making"
Following: "period" on the fifth line of subsection (2)
Strike: ", whether or not the taxpayer makes the water's-edge election"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Eck moved that HB 703, third reading copy, be further amended as follows:

1. Taxation Committee Report, dated 4/10/87, amendment #2 of insert.
Following: "TO IMPOSE A"
Strike: "5%"
Insert: "4%"

2. Taxation Committee Report, dated 4/10/87, amendment #4 changes to 15-31-121(4).
Following: "add as a surtax for tax year 1988,"
Strike: "5%"
Insert: "4%"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 31

Noes: Blaylock, Haffey, Jergeson, Lybeck, Lynch, Manning, Mazurek, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: Beck, Hager, Himsl.
Total 3

Senator Thayer moved that HB 703, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Bishop, Blaylock, Brown, Jergeson, Lybeck, Manning, Yellowtail.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess until 1:30 p.m. Motion carried.

Senate recessed at 11:41 a.m.

Senate reconvened at 1:32 p.m.

REPORTS OF STANDING COMMITTEES

Adverse Committee Reports

LONG RANGE PLANNING (Van Valkenburg, Chairman) 4/13/87

HB 894, third reading copy, be amended as follows:

1. Page 6, line 8.
Following: "appropriated"
Insert: "$266,000 from the motor vehicle account of the state special revenue fund"

2. Page 6, line 8.
Following: "justice"
Strike: remainder of line 8 through "1989," on line 9

3. Page 6.
Strike: lines 21 through 23 in their entirety
Renumber: subsequent sections

4. Page 7, line 6.
Strike: "11"
Insert: "10"

And, as amended, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jergeson, Keating, Lybeck, Mazurek, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 34

Noes: Anderson, Beck, Farrell, Haffey, Jacobson, Lynch, Manning, McCallum, McLane, Neuman, Smith, Stimatz, Walker, Williams.
Total 14

Excused: None.
Total 0

Absent or not voting: Hirsch, Kolstad.
Total 2

HB 903, third reading copy, be amended as follows:

1. Page 3, line 11.
Strike: "$200,000"
Insert: "$73,000"

2. Page 3, line 12.
Following: "fund"
Insert: "and $127,000 from the capital projects fund"

3. Page 3.
Strike: lines 19 through 21
Renumber: subsequent sections

And, as amended, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Lybeck, Lynch, Mazurek, Meyer, Pinsoneault, Regan, Story, Thayer, Van Valkenburg, Vaughn, Weeding, Yellowtail, Mr. President.
Total 34

Noes: Abrams, Aklestad, Farrell, Jergeson, Kolstad, Manning, McLane, Neuman, Smith, Stimatz, Tveit, Walker, Williams.
Total 13

Excused: None.
Total 0

Absent or not voting: McCallum, Rasmussen, Severson.
Total 3

MESSAGES FROM THE GOVERNOR

The Honorable William J. Norman April 14, 1987
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 170, "AN ACT TO ALLOW AN OPTOMETRIST TO ADMINISTER OR PRESCRIBE CERTAIN DRUGS TO TREAT EYE DISEASES; TO REQUIRE AN OPTOMETRIST TO DEMONSTRATE COMPETENCY TO ADMINISTER OR PRESCRIBE DRUGS TO TREAT EYE DISEASES; AND AMENDING SECTIONS 37-2-101, 37-10-101, 37-10-103, 37-10-304, AND 37-10-311, MCA," without my signature and recommend the attached amendments for the following reasons.

Senate Bill No. 170 authorizes specially qualified optometrists to prescribe and administer topical therapeutic drugs for the treatment of minor injuries and disorders of the eye. However, in order to fully meet patients' needs within the expanded scope of practice provided for by the bill, it may occasionally be necessary for the optometrist to deal with the pain associated with an eye disorder.

My proposed amendment, offered with the concurrence of the bill's chief sponsor, would allow optometrists to administer and prescribe oral analgesics in appropriate situations.

I urge your concurrence in these proposed amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S PROPOSED AMENDMENTS
TO SENATE BILL NO. 170
(Reference Copy)
April 14, 1987

1. Title, line 10.

Following: "CERTAIN"
Insert: "PAIN MEDICINES AND"

2. Page 4, line 5.
Strike: "and"

3. Page 4.
Following: line 5
Insert: "(d) the administration, dispensation, and prescription of the oral analgesics codeine, propoxyphene, hydrocodone, and dihydrocodeine, alone or in combination with nonscheduled or nonregulated drugs; and"
Renumber: subsequent subsection

MESSAGES FROM THE OTHER HOUSE

The House, on 4/13/87, dissolved the Conference Committee on Senate amendments to HB 796 and requested the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 796.

The Speaker appointed the following members:

Representative Gould
Representative Mercer
Representative Driscoll

MOTIONS

Senator Neuman moved that HB 895 be taken from the Committee on Long Range Planning, printed and placed on second reading this day. Motion failed as follows:

Ayes: Abrams, Aklestad, Galt, Haffey, Jergeson, Keating, Kolstad, Manning, Meyer, Neuman, Smith, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Mr. President.
Total 18

Noes: Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Lybeck, Lynch, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Severson, Story, Van Valkenburg, Williams, Yellowtail.
Total 31

Excused: None.
Total 0

Absent or not voting: Farrell.
Total 1

Senator Anderson moved that the Senate reconsider its action in adopting the Adverse Committee Report on HB 894 and that it be placed on second reading this day. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Crippen, Farrell, Galt, Haffey, Hammond, Harding, Himsl, Jacobson, Kolstad, Lynch, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Tveit, Yellowtail, Mr. President.
Total 25

Noes: Aklestad, Bengtson, Boylan, Brown, Eck, Gage, Hager, Halligan, Hirsch, Hofman, Jergeson, Keating, Lybeck, Manning, Mazurek, Meyer, Neuman, Regan, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams.

Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Williams moved that the Senate reconsider its action in adopting the Adverse Committee Report on HB 903 and that it be placed on second reading this day. Motion failed as follows:

Ayes: Aklestad, Farrell, Haffey, Halligan, Hammond, Jergeson, McCallum, Neuman, Pinsoneault, Smith, Stimatz, Tveit, Weeding, Williams, Mr. President.
Total 15

Noes: Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Harding, Himsl, Hirsch, Jacobson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Rasmussen, Regan, Severson, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 31

Excused: None.
Total 0

Absent or not voting: Abrams, Hager, Hofman, Kolstad.
Total 4

Senator Crippen moved that HB 436 on second reading this day be placed at the top of the board. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 436 - Senator Crippen moved that HB 436 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hofman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 754 - Senator Stimatz moved that HB 754 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 863 - Senator Meyer moved that HB 863, third reading copy, be amended as follows:

1. Title, line 13.
Following: "TAX;"
Insert: "INCREASING THE NUMBER OF VIDEO DRAW POKER MACHINES IN A LICENSED ESTABLISHMENT;"

2. Title, line 16.
Following: "23-5-608,"
Insert: "23-5-611,"

3. Page 5.
Following: line 7
Insert: "Section 6. Section 23-5-611, MCA, is amended to read:

"23-5-611. State license qualifications — limitations — right to hearing. (1) A person who has been granted a license under 16-4-401(2) to sell alcoholic beverages for consumption on the premises may be granted a license for the placement of video draw poker machines in his licensed establishment.

(2) A licensee may not have on the premises or make available for play on the premises of his licensed establishment more than ~~five~~ 10 machines.

(3) A person denied a state license has the right to a hearing before the department. The hearing must be conducted in accordance with the provisions of the Montana Administrative Procedure Act.""
Renumber: subsequent sections

4. Page 16, line 3.
Strike: "9"
Insert: "10"

5. Page 16, lines 20 and 22.
Strike: "8" and "9"
Insert: "9" and "10" in both places

Amendment failed as follows:

Ayes: Anderson, Farrell, Galt, Halligan, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Neuman, Pinsoneault, Severson, Story, Tveit, Van Valkenburg.
Total 16

Noes: Abrams, Aklestad, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Hager, Hammond, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Rasmussen, Regan, Stimatz, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Beck, Bengtson, Haffey, Harding, Smith, Thayer, Yellowtail.
Total 7

Senator Neuman moved that HB 863, third reading copy, be amended as follows:

1. Page 4.
Following: line 13
Insert: "(iv) Establish penalties for the delinquent reporting and payment of the required tax."

2. Page 8, line 25.
Following: "BILLS"
Insert: "not to exceed $5"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Neuman moved that HB 863, as amended, be concurred in. Senator Weeding made a substitute motion that HB 863, third reading copy, be further amended as follows:

1. Title, line 12.
Following: "IMPOSING"
Insert: "A LIVE BINGO AND KENO GAME NET INCOME TAX AND"

2. Senate Business and Industry Committee Report, dated 4/8/87, amendment #1.
Following: "machines"
Insert: "and live bingo or keno"

3. Page 2, line 13.
Strike: "for"
Insert: "the operation of a live bingo or keno game or"

4. Page 2.

Following: line 15
Insert: "(5) "Live bingo or keno" means a game of chance provided for in part 4 of this chapter, conducted on premises that have been licensed for the sale of liquor, beer, food, cigarettes, or any other consumable products. The term does not apply to a game played on a keno machine as defined in subsection (2).

(6) "Live bingo or keno game net income" means money paid to a licensee by players to play the game of live bingo or keno minus the value of prizes paid."
Renumber: subsequent subsections

5. Page 3, line 13.
Strike: "Video"
Insert: "Live bingo or keno — video"

6. Page 3, line 14.
Following: "may"
Insert: "operate a live bingo or keno game or"

7. Page 4, line 8.
Following: "respect to"
Insert: "the live bingo or keno game net income tax and"

8. Page 5, line 13.
Following: "license"
Insert: "for each live bingo or keno game and"

9. Page 5, line 16.
Strike: "and"
Insert: ","

10. Page 5, line 17.
Following: "machine"
Insert: ", and $100 for each live bingo or keno game"

11. Page 12, line 8.
Strike: "Video draw poker and keno"
Insert: "Game and"

12. Page 12, line 13.
Following: "part"
Insert: "and a live bingo or keno game tax of 15% of net game income for each live bingo or keno game licensed under this part"

13. Page 12, line 14.
Following: "of"
Insert: "net game income and"

14. Page 12, line 21.
Following: "total"
Insert: "net game income from each live keno or bingo game licensed by him and the"

15. Page 12, line 23.
Following: "state as"
Insert: "live keno or bingo game net income tax and"

16. Page 13, line 12.
Following: "LICENSED"
Insert: "game or"

17. Page 13, line 15.

Following: "FROM"
Insert: "live bingo or keno games or"

Amendment failed as follows:

Ayes: Bengtson, Brown, Eck, Halligan, Harding, Lybeck, Neuman, Rasmussen, Vaughn, Weeding, Yellowtail.
Total 11

Noes: Abrams, Aklestad, Beck, Blaylock, Boylan, Farrell, Gage, Galt, Hager, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Williams, Mr. President.
Total 35

Excused: None.
Total 0

Absent or not voting: Anderson, Bishop, Crippen, Haffey.
Total 4

Senator Neuman moved that HB 863, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Lybeck.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 884 - Senator Lynch moved that HB 884, third reading copy, be amended as follows:

1. Page 5, line 13.
Following: "to"
Insert: "the department to be used to"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Blaylock moved that HB 884, third reading copy, be further amended as follows:

1. Page 3, line 25.
Strike: "0.2%"
Insert: "0.3%"

2. Page 13, line 16.
Strike: "1989"
Insert: "1991"

Amendment passed as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Manning, McCallum, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, Mazurek, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 23

Excused: None.
Total 0

Absent or not voting: Gage.
Total 1

Senator Lynch moved that HB 884, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Manning, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, Mazurek, McLane, Meyer, Smith, Thayer, Tveit.
Total 23

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

HJR 45 - Senator Van Valkenburg moved, without objection, that HJR 45 be placed at the bottom of the board.

SB 384 - Senator Mazurek moved, without objection, that SB 384 be placed below HB 233.

HB 38 - Senator Mazurek moved that HB 38, third reading copy, be amended as follows:

1. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #1, line 6.
Strike: "7"
Insert: "6"

2. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #2, line 7.
Strike: "6"
Insert: "5"

3. Senate Finance and Claims Committee Report, dated 4/13/87.
Strike: amendments #3 and #4 in their entirety

4. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #6, line 22.
Strike: "7"
Insert: "6"

5. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #9, line 6.
Strike: "7"
Insert: "6"

6. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #12, line 12.
Strike: "7"
Insert: "6"

7. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #13, line 14.
Strike: "7"
Insert: "6"

8. Senate Finance and Claims Committee Report, dated 4/13/87.
Strike: amendment #14 in its entirety
Renumber: subsequent sections

9. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #15, line 22.
Strike: "6"
Insert: "5"

10. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #23, line 13.
Strike: "7"
Insert: "6"

11. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #24, line 9.
Strike: "7"
Insert: "6"

12. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #25, line 17.
Strike: "7"
Insert: "6"

13. Title, lines 8 and 9.
Strike: "AND" on line 8 through "FORCE" on line 9

14. Page 23, line 23.
Strike: "18"
Insert: "17"

15. Page 23, line 24.
Strike: "17"
Insert: "16"
Strike: "19"
Insert: "18"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Mazurek, McCallum, Meyer, Rasmussen, Regan, Story, Van Valkenburg, Vaughn, Weeding, Yellowtail.
Total 27

Noes: Anderson, Beck, Bishop, Boylan, Gage, Hammond, Harding, Lybeck, Lynch, Manning, McLane, Pinsoneault, Severson, Stimatz, Thayer, Tveit, Walker, Williams.
Total 18

Excused: None.
Total 0

Absent or not voting: Bengtson, Jacobson, Neuman, Smith, Mr. President.
Total 5

Senator Williams moved that HB 38 be placed at the bottom of the board. Motion carried.

HB 233 - Senator Rasmussen moved that HB 233, third reading copy, be amended as follows:

1. Title, line 6.
Following: "1989"
Insert: "APPROPRIATING FUNDS FOR SALARY INCREASES FOR CERTAIN EMPLOYEES;"

2. Page 2.
Following: line 25
Insert: "(iii) Each employee is eligible on the first day of the the first payroll period in January 1989, to advance one step in the pay matrix provided in 2-18-312."

3. Page 14.
Following: line 5
Insert: "NEW SECTION. Section 10. Appropriation. There is appropriated to the office of budget and program planning $2,122,000 from the general fund for the biennium ending June 30, 1989, to carry out the provisions of this act as it pertains to the legislative, judicial, and executive branch agencies including the university system, post-secondary vocational-technical centers, community colleges, and mental health centers. The office of budget and program planning is authorized to increase the expenditure authority of the legislative, judicial, and executive branch agencies by $1,550,000 for the biennium ending June 30, 1989, from funds other than the general fund that accrue under provisions of law to the respective agencies to carry out the provisions of this act."

Amendment failed as follows:

Ayes: Beck, Haffey, Jacobson, Kolstad, Lynch, Manning, Mazurek, Rasmussen, Vaughn.
Total 9

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Lybeck, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 40

Excused: None.
Total 0

Absent or not voting: Williams.
Total 1

Senator Regan moved that HB 233 be concurred in. Senator Walker made a substitute motion that HB 233, third reading copy, be amended as follows:

1. Title, line 6.
Following: "SECTIONS"
Insert: "2-18-104,"

2. Page 1.
Following: line 10
Insert: "Section 1. Section 2-18-104, MCA, is amended to read:

"2-18-104. Exemption for personal staff — limit. (1) Subject to the limitations in subsections (2) and (3), members of a personal staff are exempt from the application of 2-18-204, 2-18-205, 2-18-207, and 2-18-1011 through 2-18-1013.

(2) The personal staff who are exempted by subsection (1) may not exceed 10 unless otherwise approved by the department according to criteria developed by the department. Under no circumstances may the total exemptions of each elected official exceed 15.

(3) The number of members of the personal staff of the public service commission who are exempted by subsection (1) may not exceed 10.

(4) A person occupying an exempt position under 2-18-103 or this section may not receive an increase in compensation in fiscal year 1988 or 1989.""
Renumber: subsequent sections

Senator Kolstad in the Chair.

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Neuman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan's motion that HB 233, as amended, be concurred in carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 41

Noes: Haffey, Jacobson, Lynch, Mazurek, Rasmussen.
Total 5

Excused: None.
Total 0

Absent or not voting: Jergeson, Kolstad, Lybeck, Weeding.
Total 4

SB 384 - Senator Mazurek moved that SB 384, third reading copy, be amended as follows:

1. Page 5, lines 7 through 10.
Following: "~~1987,~~" on line 7
Strike: "WHEN" through "ACT" on line 10
Insert: "on July 1, 1988,"

2. Page 5, line 11.
Strike: "1987"
Insert: "1988"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McCallum moved that SB 384, as amended, do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Pinsoneault, Severson, Smith, Story, Tveit, Van Valkenburg, Walker, Weeding.
Total 37

Noes: Blaylock, Eck, Jergeson, Neuman, Stimatz, Yellowtail, Mr. President.
Total 7

Excused: None.
Total 0

Absent or not voting: Mazurek, Rasmussen, Regan, Thayer, Vaughn, Williams.
Total 6

HB 377 - Senator Hirsch moved that HB 377 be concurred in. Senator Mazurek made a substitute motion that HB 377, third reading copy, be amended as follows:

1. Page 2, line 17.
Insert: "WHEREAS, the electors enacted Initiative No. 105, directing the Legislature to develop a tax system fair to property taxpayers and provide adequate funding for local government and education; and

WHEREAS, the sponsors of Initiative No. 105 have indicated that the true purpose of Initiative No. 105 was to urge the enactment of a sales tax; and

WHEREAS, this act reduces property taxes on a statewide basis and replaces property tax revenue lost to local government and education with sales tax revenue; and

WHEREAS, this act fulfills the true purpose of the sponsors of Initiative No. 105."

2. Page 171, line 11.
Strike: "and"

3. Page 171, line 12.
Following: "MCA,"
Insert: ", and Initiative No. 105"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that HB 377, third reading copy, be further amended as follows:

1. Senate Taxation Committee Report, amendment #23.
Page 171.

Following: line 6
Insert: "NEW SECTION. Section 151. Submission to electorate. The question of whether sections 1 through 150 and 153 of this act become effective shall be submitted to the electors of Montana at the election called pursuant to section ~~151~~ 152 by printing on the ballot the full title of this act and the following:

☐ FOR imposing a 5% sales and use tax, with approximately 75% of the proceeds to be used for business and residential property tax relief and the remainder to be deposited in the state general fund.

☐ AGAINST imposing a 5% sales and use tax, with approximately 75% of the proceeds to be used for business and residential property tax relief and the remainder to be deposited in the state general fund.

NEW SECTION. Section 152. ~~Special~~ General election. Pursuant to Article III, sections 5 and 6 of the Constitution ~~of the Constitution~~ of the State of Montana, sections 1 through 150 and 153 shall be submitted to the people for their approval or disapproval at ~~a~~ the statewide general election to be held ~~June 9, 1987~~ in November, 1988."
Strike: sections 153 through 160
Renumber: subsequent sections

2. Senate Taxation Committee Report, amendment #33.
Page 173, line 2.
Strike: "50"
Insert: "84"
Strike: "117"
Insert: "150 and ~~161~~ 153"

3. Senate Taxation Committee Report, amendment #37.
Page 173, line 9.
Strike: "118"
Insert: "~~162~~" "154"
Strike: "123"
Insert: "~~167~~" "159"

4. Senate Taxation Committee Report.
Strike: amendment #38 in its entirety

Amendment failed as follows:

Ayes: Abrams, Bengtson, Boylan, Haffey, Halligan, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 20

Noes: Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Haffey moved that HB 377, third reading copy, be further amended as follows:

1. Senate Taxation Committee Report, amendment #23.
Page 171.
Following: line 6
Insert: "NEW SECTION. Section 151. Submission to electorate. The question of whether sections 1 through 150 and 153 of this act become effective shall be submitted to the electors of Montana at the election called pursuant to section ~~151~~ 152 by printing on the ballot the full title of this act and the following:

☐ FOR imposing a 5% sales and use tax, with approximately 75% of the proceeds to be used for business and residential property tax relief and the remainder to be deposited in the state general fund.

☐ AGAINST imposing a 5% sales and use tax, with approximately 75% of the proceeds to be used for business and residential property tax relief and the remainder to be deposited in the state general fund.

NEW SECTION. Section 152. Special election. Pursuant to Article III, sections 5 and 6 of the Constitution ~~of the Constitution~~ of the State of Montana, sections 1 through 150 and 153 shall be submitted to the people for their approval or disapproval at a statewide election to be held ~~June 9, 1987~~ in conjunction with the general election scheduled for November 3, 1987."
Strike: sections 153 through 160 in their entirety
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Haffey, Halligan, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, Meyer, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that HB 377, third reading copy, be further amended as follows:

1. Senate Taxation Committee Report, amendment #5.
Insert: "NEW SECTION. Section 2. Imposition and rate of sales tax and use tax. (1) Except as provided in subsection (5), a sales tax of ~~5%~~ 4% is imposed on all gross receipts, as defined in [section 1], for the privilege of engaging in business in this state.

(2) For the privilege of using property in this state, there is imposed on the person using the property a use tax equal to ~~5%~~ 4% of the value of the property that was:

(a) manufactured by the person using the property in this state;

(b) acquired outside this state as the result of a transaction that would have been subject to the sales tax had it occurred within this state; or

(c) acquired as the result of a transaction that was not initially subject to the use tax imposed by subsection (2)(b) or the sales tax imposed by subsection (1) but which transaction, because of the buyer's subsequent use of the property, is subject to the sales tax or use tax.

(3) For the privilege of using services rendered in this state, there is imposed on the person using such services a use tax equal to ~~5%~~ 4% of the value of the services at the time at which they were rendered. Services taxable under this section must have been rendered as the result of a transaction that was not initially subject to the sales tax or use tax but which transaction, because of the buyer's subsequent use of the service, is subject to the sales tax or use tax.

(4) For purposes of this section, the value of property must be determined as of the time of acquisition, introduction into this state, or conversion to use, whichever is later.

(5) A sales tax of ~~3 ½%~~ 2 ½% is imposed on the gross receipts from the sale of any new motor vehicle subject to the provisions of 61-3-502."

2. Senate Taxation Committee Report, amendment #23.
Page 171.
Following: line 6
Insert: "NEW SECTION. Section 151. Submission to electorate. The question of whether sections 1 through 150 of this act become effective shall be submitted to the electors of Montana at the election called pursuant to section ~~151~~ 152 by printing on the ballot the full title of this act and the following:

☐ FOR imposing a ~~5%~~ 4% sales and use tax, with approximately 75% of the proceeds to be used for business and residential property tax relief and the remainder to be deposited in the state general fund.

☐ AGAINST imposing a ~~5%~~ 4% sales and use tax, with approximately 75% of the proceeds to be used for business and residential property tax relief and the remainder to be deposited in the state general fund."

Amendment passed as follows:

Ayes: Abrams, Beck, Bishop, Boylan, Brown, Haffey, Halligan, Hammond, Hirsch, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Noes: Aklestad, Anderson, Bengtson, Blaylock, Crippen, Eck, Farrell, Gage, Galt, Hager, Harding, Himsl, Hofman, Keating, Kolstad, McCallum, McLane, Meyer, Regan, Severson, Smith, Thayer, Tveit.
Total 23

Excused: None.
Total 0

Absent or not voting: Lynch.
Total 1

Senator Aklestad moved that the Committee rise and report and beg leave to sit again. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 24

Noes: Abrams, Bengtson, Blaylock, Boylan, Eck, Haffey, Halligan, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hirsch moved that HB 377, third reading copy, be further amended as follows:

The following amendments refer to the Senate Taxation Committee Report, dated 4/10/87.

1. Page 1, amendment #1.
Title, line 5.
Strike: "4"
Insert: "5"

2. Page 1.
Following: amendment #2
Insert:
"2.a. Title, page 2, line 15.
Following: "~~ELECTION;~~"
Insert: "PROVIDING THAT CERTAIN SECTIONS OF THIS ACT BE SUBMITTED TO THE ELECTORS OF THE STATE OF MONTANA;""

3. Page 1, amendment #3.
Following: "Insert:"
Insert: ","

4. Page 1, amendment #5.
Strike: "18" on second line
Insert: "20" on second line

5. Page 7, section 8, subsection (2).
Following: "electricity,"
Strike: "and"
Insert: "any"
Following: "access charges"
Insert: ","
Following: "sales" in the last line of subsection (2)
Insert: "tax"

6. Page 9, section 20.
Following: "sculpture"
Strike: ","

7. Page 9, section 23.
Following: "advertising" on the fifth line
Strike: "service"
Insert: "services"
Strike: "(a)"

Insert: "(1)"
Strike: "(b)"
Insert: "(2)"
Strike: "(c)"
Insert: "(3)"
Strike: "(d)"
Insert: "(4)"
Strike: "(e)"
Insert: "(5)"

8. Page 29.
Following: the end of amendment #5
Insert: "Renumber: subsequent sections"

9. Page 31, amendment #20.
Following: "Strike:"
Underline: "ASSESSED AND TAXED AS CLASS FOUR PROPERTY UNDER 15-6-134"

9.a. Page 31.
Following: amendment #21
Insert:
"21.a. Pages 111 and 112.
Following: "purposes" on line 25, page 111
Strike: "or at 100% of the combined appraised value of the standing timber and grazing productivity of the land when valued as timberland"

21.b. Page 112.
Following: line 8
Insert: "(d) Properties in 15-6-143, under class thirteen, are assessed at 100% of the combined appraised value of the standing timber and grazing productivity of the land when valued as timberland."

21.c. Page 112, line 17.
Strike: "and"

21.d. Page 112, line 18.
Following: "~~15-6-143~~"
Insert: ", and 15-6-143"

21.z. Page 104, line 8.
Following: "~~"R"~~"
Insert: "R"

21.e. Page 112, line 21.
Strike: "[now part of (6)(c)]"

21.f. Page 112, line 22.
Strike: "[now deleted]" in both places

10. Page 31, section 151.
Following: "through 150" in the second line
Insert: "and 153"
Following: "of this act" in the second line
Insert: "become effective"
Strike: "151" in the fourth line
Insert: "152"

11. Page 31, section 152.
Following: "5 and 6"

Insert: ","
Following: "5 and 6 of"
Strike: "the"
Insert: "The"
Strike: "Constitution of the" in the third line

12. Page 31, section 153.
Following: "his office and" in the next-to-last line on page 31
Insert: ","
Following: "ballot form" on the last line on page 31
Insert: ","

13. Page 32, section 153, subsection (2).
Following: first "secretary of state" in subsection (2)
Strike: "t"
Insert: "at"

14. Page 32, section 153, subsection (3).
Following: "statement" on the second line of subsection (3)
Insert: ","
Following: "words" on the third line of subsection (3)
Insert: ","

15. Page 32, section 155, subsection (2).
Strike: "1" on the first and fifth lines of subsection (2)
Insert: "one" on the first and fifth line of subsection (2)
Following: "except that" on the third line of subsection (2)
Insert: ","
Strike: "2" on the fourth line of subsection (2)
Insert: "two"

16. Page 33, section 156, subsection (2).
Strike: the brackets enclosing the words "this act" on the second and third lines of subsection (2)

17. Page 33, section 156, subsection (4).
Strike: "not to exceed 350 words" on the fourth and fifth lines of subsection (4)
Following: "argument being rebutted." on the ninth line of subsection (4)
Insert: "The rebuttal arguments may not exceed 350 words each."

18. Page 34, section 159, subsection (3)(a).
Following: "electors" on the third line of subsection (3)(a)
Insert: "voting"
Strike: "each" on the third line of subsection (3)(a)
Insert: "the"

19. Page 34, section 160, subsection (1).
Following: "canvassed"
Strike: ","

20. Page 34, section 160, subsection (2).
Strike: "13-18-205"
Insert: "13-13-205"
Insert: "," following "chapter 27" on the second line of subsection (2)

21. Page 34.
Following: the end of amendment #23
Insert: "Renumber: subsequent sections"

22. Page 35, amendment #30.

Strike: last two lines of amendments

23. Page 35, amendment #32.
Following: "Strike"
Strike: "Section 49 applies"
Insert: "Sections 68 through 77 apply"

24. Page 36, section 168.
Strike: "referndum"
Insert: "referendum"
Strike: "i.e."

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hirsch moved that HB 377, third reading copy, be further amended as follows:

1. Taxation Committee Report, dated 4/10/87, page 12, section 34.
Following: "transportation and services" on second line
Strike: "in interstate commerce"
Following: "." on second line
Strike: "(1)"
Following: "may be deducted from gross receipts"
Strike: "if such persons or" through "transportation services" in subsection (c)

Amendment passed as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Thayer, Tveit, Weeding, Williams.
Total 31

Noes: Blaylock, Haffey, Jacobson, Jergeson, Lybeck, Lynch, Manning, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: Aklestad, Bengtson, Hager, Severson, Story.
Total 5

Senator Gage moved that HB 377, third reading copy, be further amended as follows:

1. Page 171.
Following: line 22
Insert: "(4) Section 160 is intended to be codified as an integral part of Title 15, chapter 6, part 1, and the provisions of Title 15, chapter 6, apply to section 160.

(5) Section 161 is intended to be codified as an integral part of sections 1 through 43, and the provisions of sections 1 through 43 apply to section 161."

2. Page 173.
Following: line 10
Insert: "(6) Sections 160 and 161 apply on passage and approval.

NEW SECTION. Section 160. Taxable percentage rates — restrictions on increasing. The taxable percentage rates provided in this part, except the percentage rate "R" in 15-6-145 or 15-6-147, may be increased only if the increase is:

(1) adopted by a two-thirds majority vote in each house of the legislature; or

(2) approved by the electorate at an election.

NEW SECTION. Section 161. Sales tax rates — restriction on increasing. The rate of the tax imposed in [sections 3 and 14] may be increased only if the increase is:

(1) adopted by a two-thirds majority vote in each house of the legislature; or

(2) approved by the electorate at an election.

NEW SECTION. Section 162. Contingent coordination instruction. If the standing committee report of the senate committee on taxation (adopted April 10, 1987) is adopted by the senate committee of the whole:

(1) sections 160, 161, and this section must be renumbered as sections 161, 162, and 163, respectively;

(2) the references to "section 160" in amendment #1 of these amendments must be changed to "section 161";

(3) the references to "section 161" in amendment #1 of these amendments must be changed to "section 162";

(4) the reference to "Sections 160 and 161" must be changed to "Sections 161 and 162" in this amendment #2 as it amends House Bill No. 377, 3rd reading copy, on page 173, following line 10, new subsection (6);

(5) the reference to "[sections 3 and 14]" in new section 161 (or renumbered 162) must be changed to "[section 2]"; and

(6) a new sentence must be added to the new section 160 on page 36 of the senate taxation standing committee report, dated April 10, 1987, as follows:

"Sections 160 and 161 (or 161 and 162, if renumbered) are effective on approval by the electorate, and section 162 (or section 163, if

renumbered) is effective on adoption of this amendment." The preceding sentence must be inserted into the new section 160, amendment #38 of the April 10, 1987, senate taxation committee's standing committee report following "legislature.""

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 33

Noes: Boylan, Haffey, Jacobson, Jergeson, Lybeck, Lynch, Manning, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

Senator Crippen moved that the Senate reconsider its action in passing the Haffey amendment on HB 377. The Chair ruled that the motion was not in order based on Joint Rule 6-26. Senator Crippen withdrew the motion.

Senator Hirsch's motion that HB 377, as amended, be concurred in carried as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Himsl, Hirsch, Hofman, Keating, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Tveit, Weeding, Williams, Mr. President.
Total 26

Noes: Aklestad, Anderson, Bishop, Boylan, Brown, Gage, Hammond, Harding, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Meyer, Neuman, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 726 - Senator Mazurek moved, without objection, that HB 726 be placed below HB 776.

Senator Brown in the Chair.

HB 743 - Senator Eck moved that HB 743, third reading copy, be amended as follows:

1. Page 7, line 3.
Following: "(1)"
Strike: "A"
Insert: "Except as provided in subsection (2), a"

2. Page 7, lines 10 through 20.
Following: "(2)" on line 10
Strike: remainder of lines 10 through 20
Insert: "A redemption of property subdivided as a residential or commercial lot upon which taxes or special assessments are delinquent and upon which no habitable dwelling or commercial structure is situated may be made by the owner or any party having any interest in or lien upon such property within 18 months from the date of purchase or at any time prior to the giving of the notice and the application for a deed as provided in this chapter."

3. Taxation Committee Report, dated 4/11/87, coordination instruction added by amendment #2.
Strike: the three amendments to Senate Bill No. 162
Insert:
"1. Page 16, line 18.
Following: "(1)"
Strike: "Redemption"
Insert: "Except as provided in subsection (2), redemption"

2. Page 16.
Following: line 24
Insert: "(2) For property subdivided as a residential or commercial lot upon which taxes or special assessments are delinquent and upon which no habitable dwelling or commercial structure is situated redemption of a property tax lien acquired at a tax sale or otherwise may be made by the owner, the holder of an unrecorded or improperly recorded interest, or any interested party within 18 months from the date of the first day of the tax sale or within 60 days following the giving of the notice required in [section 21], whichever is later."
Renumber: subsequent subsections and sections

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Eck moved that HB 743, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 776 - Senator Gage moved, without objection, that HB 776 be placed below HB 848.

HB 726 - Senator Mazurek moved that HB 726, third reading copy, be amended as follows:

1. Page 1, line 20.
Strike: "MUST"
Insert: "may"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Mazurek moved that HB 726, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Kolstad in the Chair.

HB 782 - Senator Brown moved that HB 782, third reading copy, be amended as follows:

1. Page 4.
Following: line 11
Insert: "(7) At least 50% of the proceeds of a local option sales tax imposed under the authority provided by [this act] must be committed to the reduction of property tax mill levies by the jurisdiction in which the local option tax is imposed. This requirement does not apply to the 1% local option sales tax authorized if a general statewide sales tax is enacted."
Renumber: subsequent subsections

2. Page 4, line 24.
Strike: "(8)"
Insert: "(9)"

Amendment passed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Farrell, Gage, Galt, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Severson, Smith, Story, Thayer, Tveit.
Total 26

Noes: Abrams, Blaylock, Boylan, Eck, Haffey, Hager, Halligan, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Stimatz.
Total 1

Senator Brown in the Chair.

Senator Hager moved that HB 782, as amended, be concurred in. Motion failed as follows:

Ayes: Beck, Blaylock, Brown, Crippen, Eck, Farrell, Hager, Halligan, Hirsch, Hofman, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Rasmussen, Story, Thayer.
Total 20

Noes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Lybeck, Lynch, Manning, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: Galt.
Total 1

Senator Van Valkenburg moved that HB 782 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Boylan, Farrell, Gage, Haffey, Hammond, Harding, Himsl, Jacobson, Lybeck, Lynch, Manning, Neuman, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 29

Noes: Beck, Blaylock, Brown, Crippen, Eck, Hager, Halligan, Hirsch, Hofman, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Story, Thayer.
Total 20

Excused: None.
Total 0

Absent or not voting: Galt.
Total 1

HB 816 - Senator Mazurek moved that HB 816 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Jergeson, Neuman, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 848 - Senator Severson moved that HB 848 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bishop, Boylan, Brown, Crippen, Eck, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Stimatz, Thayer, Tveit, Van Valkenburg.
Total 29

Noes: Bengtson, Blaylock, Hirsch, Jergeson, Lybeck, Manning, Mazurek, Neuman, Regan, Story, Vaughn, Weeding, Yellowtail.
Total 13

Excused: None.
Total 0

Absent or not voting: Beck, Farrell, Galt, Lynch, Smith, Walker, Williams, Mr. President.
Total 8

HB 776 - Senator Gage moved that HB 776, third reading copy, be amended as follows:

1. Senate Taxation Committee Report, dated 4/11/87.
Strike: amendment #5 in its entirety

2. Page 11, line 18.
Strike: ","
Insert: "and"

3. Page 11, line 19.

Strike: ", and stripper well"

4. Page 11, line 21.
Strike: "amendments are"
Insert: "amendment is"

5. Page 11, line 23.
Strike: "(a)"

6. Page 11.
Strike: ";" on line 24 through "15-23-601" on line 1, page 12

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved that HB 776, third reading copy, be further amended as follows:

1. Page 12, lines 19 and 20.
Strike: section 8 in its entirety

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved that HB 776, as amended, be concurred in as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hofman, Jacobson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Walker.

Total 32

Noes: Abrams, Eck, Haffey, Halligan, Hirsch, Jergeson, Lybeck, Mazurek, Neuman, Regan, Severson, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: Brown, Mr. President.
Total 2

HB 880 - Senator Manning moved that HB 880 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 906 - Senator Eck moved that HB 906, third reading copy, be amended as follows:

1. Title, line 9.
Following: "377;"
Insert: "ESTABLISHING DISTRIBUTION FORMULAS FOR SALES AND USE TAX REVENUE;"

2. Page 1, line 15.
Strike: "sections 3 and 14"
Insert: "section 2"

3. Page 1, line 16.
Following: "section"
Strike: "43"
Insert: "78"

4. Page 1, lines 20 and 21.
Strike: "sections 3 and 14"
Insert: "section 2"

5. Page 2, line 23 through line 17, page 5.
Strike: subsections (3) through (5) in their entirety
Insert: "(3) For the taxable year beginning January 1, 1987, and each year thereafter, the department shall determine for each taxing jurisdiction in each county the taxable value of all property in the following categories, calculated at the rate in effect on January 1, 1987:

(a) class four;

(b) class six;

(c) class eight; and

(d) the agricultural exemptions provided in 15-6-207.

(4) For the taxable year beginning January 1, 1988, and each year thereafter, the department shall determine for each taxing jurisdiction in each county the taxable value of all property in the following categories, calculated at the rate provided in [House Bill No. 377]:

(a) class four;

(b) class six; and

(c) class eight.

(5) For each taxing jurisdiction in each county, the department shall:

(a) subtract the taxable value for the taxable year beginning January 1, 1988, and each year thereafter, as described under subsection (4), from the taxable value for the taxable year beginning January 1, 1987, and each year thereafter, as described under subsection (3);

(b) multiply the sum resulting from the subtraction by the certified mill levy for 1988 and each year thereafter; and

(c) distribute to each county the amount resulting from the calculations made in subsections (5)(a) and (5)(b) in two installments for each taxing jurisdiction, for distribution on or before November 30 and May 31 in each fiscal year."

6. Page 9, line 15.
Strike: "43"
Insert: "78"

7. Page 9, line 17.
Following: "Coordination"
Strike: "instruction."
Insert: "instructions. (1)"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Lynch.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Eck moved that HB 906, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hammond, Himsl, Hirsch, Jergeson, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Abrams, Anderson, Bishop, Boylan, Gage, Haffey, Harding, Jacobson, Lynch, Thayer, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: Blaylock, Hofman, Keating, Kolstad.
Total 4

HB 867 - Senator Haffey moved that HB 867, third reading copy, be amended as follows:

1. Page 2, line 19.
Following: "office"
Strike: "$1 million"
Insert: "$300,000"

2. Page 3, line 1.
Following: "~~the first phase of~~"
Insert: "the first phase of"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved that HB 867, third reading copy, be further amended as follows:

1. Page 3, line 4.
Following: "MADE"
Insert: ": (1)"

2. Page 3, line 5.
Following: "1988"
Strike: "."
Insert: "; (2) unless there has been a $1 match from the public for every $3 to be spent;"
Following: "AND"
Insert: "(3)"

3. Page 3, line 6.
Following: "SITE"
Strike: ", THE"
Insert: ". Any"
Following: "BALANCE"
Insert: "remaining after June 30, 1988,"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Kolstad, Lybeck, Manning, McCallum, Neuman, Regan, Story, Yellowtail, Mr. President.
Total 26

Noes: Bengtson, Bishop, Galt, Haffey, Jacobson, Jergeson, Keating, Lynch, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 23

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

Senator Haffey moved that HB 867, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 35

Noes: Aklestad, Blaylock, Brown, Gage, Harding, Himsl, Hirsch, Lybeck, Mazurek, McCallum, Regan, Severson, Smith, Story, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 45 - Senator Van Valkenburg moved that consideration on HJR 45 be passed. Motion carried.

HB 38 - Senator Williams moved that consideration on HB 38 be passed. Motion carried.

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Senator Hager made a substitute motion that HB 782 be segregated from the Committee of the Whole Report. Motion carried as follows:

Ayes: Anderson, Beck, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Manning, Mazurek, McCallum, McLane, Meyer, Rasmussen, Regan, Severson, Smith, Story, Thayer, Weeding, Mr. President.

Total 32

Noes: Abrams, Aklestad, Bengtson, Boylan, Gage, Haffey, Himsl, Lybeck, Lynch, Neuman, Pinsoneault, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Chairman Brown moved the adoption of the Committee of the Whole Report, as amended. Motion carried.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/14/87

Correctly enrolled:

SB 224	SB 266	SB 374

Examined by the sponsors and found to be correct:

SB 224	Eck
SB 266	Van Valkenburg
SB 374	Neuman

Signed by the President at 5:30 p.m., 4/14/87:

HB 504	HB 506	HB 509	HB 564
HB 570	HB 577	HB 606	HB 612
HB 626	HB 639	HB 641	HB 648
HB 661	HB 670	HB 679	HB 716
HB 718	HB 733	HB 740	HB 741
HB 748	HB 751	HB 772	HB 789
HB 791	HB 817		

Signed by the President at 7:45 p.m., 4/14/87:

SB 224	SB 266	SB 374

Report adopted.

Adverse Committee Report

LOCAL GOVERNMENT (Crippen, Chairman) 4/14/87

HB 496, third reading copy, be amended as follows:

1. Page 10, line 3.
Following: "(B)"
Insert: "a gross receipts tax in a sum equal to 1% of the gross receipts, as defined in 15-50-101, from public contracts during the income year for which the tax is due"

2. Page 12.
Following: line 24
Insert: "NEW SECTION. Section 13. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent section

3. Page 13, line 1.
Following: "to"

Insert: "public contracts let, special improvement districts formed, and"

And, as amended, be not concurred in. Adverse Committee Report adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Farrell, Gage, Galt, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Lynch, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Story, Thayer, Tveit, Walker, Weeding, Mr. President.
Total 29

Noes: Bengtson, Blaylock, Boylan, Eck, Haffey, Hager, Halligan, Hammond, Jacobson, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Rasmussen, Smith, Van Valkenburg, Vaughn, Williams, Yellowtail.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Rasmussen moved that the Senate reconsider its action in adopting the Adverse Committee Report on HB 496. Motion failed as follows:

Ayes: Abrams, Bengtson, Blaylock, Boylan, Eck, Farrell, Haffey, Hager, Jacobson, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McLane, Rasmussen, Stimatz, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail.
Total 22

Noes: Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Gage, Galt, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Story, Thayer, Tveit, Walker, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Lynch, McCallum.
Total 2

Senator Hager moved that HB 782 be placed on second reading this legislative day. Motion failed as follows:

Ayes: Anderson, Bishop, Blaylock, Crippen, Eck, Hager, Hammond, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Rasmussen, Regan, Story, Thayer, Tveit, Weeding, Mr. President.
Total 24

Noes: Abrams, Aklestad, Beck, Bengtson, Boylan, Brown, Farrell, Gage, Galt, Haffey, Halligan, Himsl, Hirsch, Lybeck, Lynch, Manning, Neuman, Pinsoneault, Severson, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail.
Total 26

Excused: None.

Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 583. Motion carried.

The President appointed the following members:

Senator Brown, Chairman
Senator Walker
Senator Manning

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 361 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 703 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, Mazurek, McCallum,

McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 43

Noes: Bishop, Blaylock, Brown, Jergeson, Lybeck, Manning, Yellowtail.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 754 concurred in as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Galt, Hammond, Hofman, Kolstad, McCallum, McLane, Meyer, Smith, Story, Thayer.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 863 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 884 concurred in as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Eck, Farrell, Haffey, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Manning, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Crippen, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, Mazurek, McLane, Meyer, Smith, Story, Thayer, Tveit.

Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 384 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Eck, Jergeson, Regan, Yellowtail.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 233 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Beck, Haffey, Hofman, Mazurek, Rasmussen.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 377 failed to be concurred in as follows:

Ayes: Abrams, Beck, Bengtson, Blaylock, Crippen, Eck, Farrell, Galt, Haffey, Halligan, Himsl, Hirsch, Hofman, Keating, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Tveit, Weeding, Williams, Mr. President.
Total 25

Noes: Aklestad, Anderson, Bishop, Boylan, Brown, Gage, Hager, Hammond, Harding, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Meyer, Neuman, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 436 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Hofman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 726 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Bishop, Jacobson, Lynch, Smith, Stimatz.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 743 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Hammond, Mazurek, McCallum, Smith.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 776 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding,

Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, McCallum, McLane, Meyer, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Williams, Mr. President.
Total 35

Noes: Blaylock, Eck, Haffey, Hirsch, Lybeck, Mazurek, Neuman, Pinsoneault, Regan, Severson, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 816 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 848 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 45

Noes: Jergeson, Kolstad, Mazurek, Vaughn, Yellowtail.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 880 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 906 concurred in as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Galt, Hager, Halligan, Hammond, Harding, Keating, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Severson, Smith, Story, Tveit, Vaughn, Weeding, Williams, Mr. President.
Total 32

Noes: Abrams, Bishop, Boylan, Gage, Haffey, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Lynch, Meyer, Neuman, Stimatz, Thayer, Van Valkenburg, Walker, Yellowtail.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 867 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Boylan, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 34

Noes: Aklestad, Beck, Blaylock, Brown, Gage, Harding, Himsl, Hirsch, Kolstad, Lybeck, Mazurek, Regan, Severson, Smith, Story, Yellowtail.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 10:00 a.m., April 15, 1987.

Motion carried.

Senate adjourned at 9:34 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana
April 15, 1987

Senate Chambers
State Capitol

Senate convened at 10:05 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-third legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 752
Report No. 1, April 10, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 752, met and considered:

Senate Committee on Public Health, Welfare, and Safety amendments to House Bill No. 752

We recommend as follows:

That House Bill No. 752, reference copy, be amended as follows:

1. Page 3, lines 19 through 22.
Following: "provider"
Strike: remainder of line 19 through "affects" on line 22
Insert: ", including medical or psychological diagnosis, treatment, evaluation, advice, or other services that affect"

2. Page 4.
Following: line 25
Insert: "(11) "Peer review" means an evaluation of health care services by a committee of a state or local professional organization of health care providers or a committee of medical staff of a licensed health care facility. The committee must be:

(a) authorized by law to evaluate health care services; and

(b) governed by written bylaws approved by the governing board of the health care facility or an organization of health care providers."
Renumber: subsequent subsection

3. Page 5, line 21.
Following: "~~[section 9(1) or 9(2)]~~"
Insert: "except for an agent or employee of the health care provider or a person who has examined the recorded health care information under [section 9(2)]."

4. Page 8, lines 13 through 15.
Following: "who" on line 13
Strike: remainder of line 13 through "WHO" on line 15

5. Page 9, line 4.

Following: "~~unless~~"
Strike: "IF"
Insert: "unless"

6. Page 9, line 5.
Following: "~~not~~"
Insert: "not"

7. Page 9, line 14.
Following: "~~unless~~"
Strike: "IF"
Insert: "unless"

8. Page 9, line 15.
Following: "~~not~~"
Insert: "not"

9. Page 11, line 4.
Following: "~~unless~~"
Strike: "IF"
Insert: "unless"

10. Page 11, line 5.
Following: "~~not~~"
Insert: "not"

11. Page 11, line 12.
Following: "law;"
Strike: "and"
Insert: "(4) to a law enforcement officer about the general physical condition of a patient being treated in a health care facility, if the patient was injured on a public roadway or was injured by the possible criminal act of another; or"
Renumber: subsequent subsection

12. Page 12, line 3.
Following: "will"
Insert: "or other document"

13. Page 16, line 9.
Following: "purposes;"
Strike: "or"
Insert: "(e) the health care provider obtained the information from a person other than the patient; or"
Renumber: subsequent subsection

14. Page 16.
Following: line 11
Insert: "(2) Except as provided in [section 19], a health care provider may deny access to health care information by a patient who is a minor if:

(a) the patient is committed to a mental health facility; or

(b) the patient's parents or guardian have not authorized the health care provider to disclose the patient's health care information."
Renumber: subsequent subsections

15. Page 16, lines 22 through 24.
Following: "provider"
Strike: ", selected by the patient, who is licensed, certified, or otherwise authorized under the laws of this state to treat"
Insert: "who is providing health care services to"

16. Page 23.
Following: line 4
Insert: "(4) No disciplinary or punitive action may be taken against a health care provider or his employee or agent who brings evidence of a violation of [sections 1 through 25] to the attention of the patient or an appropriate authority."
Renumber: subsequent subsections

17. Page 25, lines 16 and 17.
Following: "qualified"
Strike: "professional persons"
Insert: "professionals"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Eck, Chairman	Gilbert, Chairman
Rasmussen	Winlsow
Hager	Bulger

Conference Committee
on House Bill No. 697
Report No. 1, April 14, 1987

Mr. President:

We, your Conference Committee on House Bill No. 697, met and considered:

Senate amendments to House Bill No. 697

We recommend as follows:

That Senate amendments to House Bill No. 697, third reading copy, be concurred in.

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Lybeck, Chairman	Sales, Chairman
Vaughn	Wallin
Meyer	Connelly

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, Montana 59620

April 14, 1987

Dear Senator Norman:

I respectfully submit for confirmation by the Montana State Senate, the attached list of appointments.

Sincerely,

Ted Schwinden
Governor

SENATE CONFIRMATION

As a member of the Board of Architects in accordance with Section No. 2-15-1871, MCA.

Mr. F. Wayne Gustafson, Billings, Montana 59105, appointed for a term ending 3/27/90.

As members of the Montana Arts Council in accordance with Section No. 2-15-1513, MCA.

Ms. Kitty Belle Deernose, Crow Agency, Montana 59022, appointed for a term ending 2/1/92.

Mr. Jack W. Nickels, Fort Peck, Montana 59223, appointed for a term ending 2/1/90.

Mr. Randall S. Ogle, Kalispell, Montana 59903, reappointed for a term ending 2/1/92.

Ms. Jessica P. Stickney, Miles City, Montana 59301, reappointed for a term ending 2/1/92.

Mr. Charles F. Tooley, Billings, Montana 59101, reappointed for a term ending 2/1/92.

Mr. Patrick Zentz, Laurel, Montana 59044, reappointed for a term ending 2/1/92.

As members of the Coal Board in accordance with Section No. 2-15-1821, MCA.

Mr. Gene H. Kurtz, Forsyth, Montana 59327, appointed for a term ending 1/1/91.

Mr. Monty Long, Kalispell, Montana 59901, reappointed for a term ending 1/1/91.

Mr. Hal J. Stearns, Missoula, Montana 59803, appointed for a term ending 1/1/91.

As a member of the Board of Horseracing in accordance with Section No. 2-15-1881, MCA.

Sheriff Chuck O'Reilly, Helena, Montana 59601, reappointed for a term ending 1/20/90.

As members of the Board of Optometrists in accordance with Section No. 2-15-1846, MCA.

Dr. P.L. Kathrein, Great Falls, Montana 59401, reappointed for a term ending 4/3/91.

Ms. Sara Gertrude Malone, Bigfork, Montana 59911, reappointed for a term ending 2/20/91.

As members of the Board of Professional Engineers and Land Surveyors in accordance with Section No. 2-15-1873, MCA.

Mr. Lloyd L. Allen, Fort Benton, Montana 59442, appointed for a term ending 3/31/90.

Ms. Nancy K. Moe, Missoula, Montana 59802, reappointed for a term ending 3/31/91.

As a member of the Board of Public Education in accordance with Section No. 2-15-1507 and Section No. 2-15-1508, MCA.

Mr. Thomas A. Thompson, Browning, Montana 59417, reappointed for a term ending 2/1/94.

As a member of the State Tax Appeal Board in accordance with Section No. 15-2-101, MCA.

Mr. Patrick E. McKelvey, Helena, Montana 59601, appointed for a term ending 3/1/93.

MESSAGES FROM THE OTHER HOUSE

The House, on 4/14/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 331.

The Speaker appointed the following members:

Representative Ellison
Representative Bulger
Representative Keller

The House, on 4/14/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 371.

The Speaker appointed the following members:

Representative Kitselman
Representative Thomas
Representative Brown

The House, on 4/14/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 298.

The Speaker appointed the following members:

Representative Kitselman
Representative Glaser
Representative Bardanouve

The House, on 4/14/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 360.

The Speaker appointed the following members:

Representative Glaser
Representative Swysgood
Representative Spaeth

The House, on 4/14/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 363.

The Speaker appointed the following members:

Representative Cobb
Representative Giacometto
Representative Darko

The House, on 4/14/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 210.

The Speaker appointed the following members:

Representative Simon

Representative Winslow
Representative Hansen

MOTIONS

Senator Crippen moved that the Senate reconsider its action in failing to concur in HB 377 on third reading and place it on third reading this day.

Senator Galt moved the previous question. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Boylan, Brown, Farrell, Galt, Hager, Hammond, Himsl, Hirsch, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 22

Noes: Abrams, Bengtson, Blaylock, Crippen, Eck, Gage, Haffey, Harding, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Halligan.
Total 1

Senator Crippen's motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Tveit, Weeding, Williams, Mr. President.
Total 31

Noes: Bishop, Boylan, Brown, Gage, Jacobson, Jergeson, Lybeck, Lynch, Manning, Meyer, Neuman, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 377 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Crippen, Eck, Farrell, Galt, Haffey, Hager, Halligan, Hammond, Himsl, Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Severson, Smith, Tveit, Weeding, Williams, Mr. President.
Total 29

Noes: Aklestad, Bishop, Boylan, Brown, Gage, Harding, Jacobson, Jergeson, Lybeck, Lynch, Manning, Meyer, Neuman, Regan, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 889, introduced by Winslow, Asay, Iverson, Spaeth, Thomas, Holliday, Mercer, Manuel, Cody, Marks, Nathe, Gilbert, Thoft, Menke, Grinde, Giacometto. Referred to Committee on Finance and Claims.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blaylock in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 44 - Senator Farrell moved that House amendments to SB 44 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48 - Senator Brown moved that House amendments to SB 48 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 64 - Senator Halligan moved that House amendments to SB 64 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 272 - Senator Lynch moved that House amendments to SB 272 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 325 - Senator McCallum moved that House amendments to SB 325 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 337 - Senator Manning moved that House amendments to SB 337 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 383 - Senator Gage moved that House amendments to SB 383 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 389 - Senator Lybeck moved that House amendments to SB 389 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 256 - Senator Pinsoneault moved that the Free Conference Committee Report on SB 256 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 170 - Senator Rasmussen moved that the Governor's amendments to SB 170 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Haffey in the Chair.

HB 38 - Senator Williams moved that HB 38 be concurred in. Senator Mazurek made a substitute motion that HB 38, third reading copy, be amended as follows:

1. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #1, line 6.
Strike: "7"
Insert: "6"

2. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #2, line 7.
Strike: "6"
Insert: "5"

3. Senate Finance and Claims Committee Report, dated 4/13/87.
Strike: amendments #3 and #4 in their entirety

4. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #6, line 22.

Strike: "7"
Insert: "6"

5. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #9, line 6.
Strike: "7"
Insert: "6"

6. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #12, line 12.
Strike: "7"
Insert: "6"

7. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #13, line 14.
Strike: "7"
Insert: "6"

8. Senate Finance and Claims Committee Report, dated 4/13/87.
Strike: amendment #14 in its entirety
Renumber: subsequent subsections

9. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #15, line 22.
Strike: "6"
Insert: "5"

10. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #23, line 13.
Strike: "7"
Insert: "6"

11. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #24, line 9.
Strike: "7"
Insert: "6"

12. Senate Finance and Claims Committee Report, dated 4/13/87, amendment #25, line 17.
Strike: "7"
Insert: "6"

13. Title, lines 8 and 9.
Strike: "AND" on line 8 through "FORCE" on line 9

14. Page 23, line 23.
Strike: "18"
Insert: "17"

15. Page 23, line 24.
Strike: "17"
Insert: "16"
Strike: "19"
Insert: "18"

Amendment failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Brown, Crippen, Eck, Galt, Haffey, Hager, Halligan, Himsl, Hofman, Keating, Mazurek, McCallum, McLane, Neuman, Regan, Story, Van Valkenburg, Weeding, Yellowtail.
Total 24

Noes: Bengtson, Bishop, Boylan, Farrell, Gage, Hammond, Harding, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Hirsch.
Total 1

Senator Blaylock moved that HB 38, third reading copy, be amended as follows:

1. Page 2, line 19.
Following: "honorable"
Insert: "combat"

2. Page 3, line 6.
Following: "disabled"
Insert: "because of war-related injuries"

3. Page 7, line 1.
Following: "is a"
Insert: "combat"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bishop, Blaylock, Brown, Eck, Gage, Galt, Haffey, Hager, Halligan, Himsl, Hofman, Jergeson, Keating, Mazurek, McLane, Neuman, Regan, Thayer, Tveit, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 27

Noes: Bengtson, Boylan, Crippen, Farrell, Hammond, Harding, Jacobson, Kolstad, Lybeck, Lynch, Manning, McCallum, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Vaughn, Walker, Williams.
Total 22

Excused: None.
Total 0

Absent or not voting: Hirsch.
Total 1

Senator Williams' motion that HB 38, as amended, be concurred in failed as follows:

Ayes: Abrams, Bishop, Boylan, Farrell, Hammond, Harding, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Rasmussen, Severson, Smith, Stimatz, Tveit, Vaughn, Williams, Mr. President.
Total 22

Noes: Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Himsl, Hirsch, Hofman, Jergeson, Mazurek, McCallum, Neuman, Pinsoneault, Regan, Thayer, Van Valkenburg, Walker, Weeding, Yellowtail.
Total 27

Excused: None.
Total 0

Absent or not voting: Story.

Total 1

Senator Mazurek moved that HB 38 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Himsl, Hirsch, Hofman, Jergeson, Mazurek, McCallum, Neuman, Regan, Story, Thayer, Van Valkenburg, Weeding, Yellowtail, Mr. President.
Total 27

Noes: Bishop, Boylan, Farrell, Halligan, Hammond, Harding, Jacobson, Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Tveit, Vaughn, Walker, Williams.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Haffey moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 64. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Brown
Senator McCallum

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on SB 48. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Mazurek
Senator Crippen

Senator Van Valkenburg moved that the Senate recess until 2:00 p.m. Motion carried.

Senate recessed at 12:03 p.m.

Senate reconvened at 2:04 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/15/87

Signed by the President at 11:40 a.m., 4/15/87:

HB 157	HB 210	HB 286	HB 592
HB 610	HB 702	HB 709	HB 714

HB 806 HB 813 HB 814
Delivered to the Governor at 12:03 p.m., 4/15/87:
SB 224 SB 266 SB 374

Report adopted.

AGRICULTURE, LIVESTOCK, AND IRRIGATION (Boylan, Chairman) 4/13/87

HJR 46, be concurred in. Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 4/15/87

HB 581, be concurred in. Report adopted.
HB 864, be concurred in. Report adopted.
HB 866, third reading copy, be amended as follows:

1. Title, line 7.
Following: "MARRIAGE;"
Insert: "TO MODIFY MARRIAGE CRITERIA;"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"
Following: "25-1-201"
Insert: "AND 40-1-401"

2. Title, line 8.
Strike: "AN EFFECTIVE DATE"
Insert: "EFFECTIVE DATES"

3. Page 5.
Following: line 18
Insert: "Section 2. Section 40-1-401, MCA, is amended to read:

"40-1-401. Prohibited marriages. (1) The following marriages are prohibited:

(a) a marriage entered into prior to the dissolution of an earlier marriage of one of the parties;

(b) a marriage between:

(i) an ancestor and a descendant or between a brother and a sister, whether the relationship is by the half or the whole blood~~,~~; or

(ii) between first cousins unless both parties are at least 60 years of age;

(c) a marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood.

(2) Parties to a marriage prohibited under this section who cohabit after removal of the impediment are lawfully married as of the date of the removal of the impediment.

(3) Children born of a prohibited marriage are legitimate."

NEW SECTION. Section 3. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all applications that are severable from the invalid applications."
Renumber: subsequent section

4. Page 5, line 19.

Following: "Effective"
Strike: "date"
Insert: "dates"
Following: "."
Strike: "This act"
Insert: "(1) Section 1"

5. Page 5.
Following: line 20
Insert: "(2) Sections 2, 3, and this section are effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 886, be concurred in. Report adopted.
HB 889, third reading copy, be amended as follows:

1. Page 12.
Strike: lines 16 through 18

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill No. 363
Report No. 1, April 15, 1987

Mr. President:

We, your Conference Committee on Senate Bill No. 363, met and considered:

House Judiciary Committee amendments to Senate Bill No. 363

We recommend as follows:

That Senate Bill No. 363, reference copy, be amended as follows:

1. Page 1, line 13.
Following: ":"
Insert: ":"

2. Page 2, line 1.
Following: "~~(B)~~"
Insert: "(a) (i) the amount of money necessary to pay current installments of child support as they become due and payable; plus

(ii) the amount of money which, when deducted in equal amounts each payday, will pay off all outstanding child support payments delinquent within 2 years; or

(b)"

3. Page 2, line 5.
Following: "~~AMOUNT~~"
Insert: "if the sum provided in subsection (1)(a) exceeds that amount"

And that this Conference Committee Report be adopted.

For the Senate:

Jacobson, Chairman
Halligan

For the House:

Cobb, Chairman
Giacometto

Bishop Darko

Conference Committee
on Senate Bill No. 371
Report No. 1, April 14, 1987

Mr. President:

We, your Conference Committee on Senate Bill No. 371, met and considered:

House Business and Labor Committee amendments to Senate Bill No. 371

We recommend as follows:

That Senate Bill No. 371, reference copy, be amended as follows:

1. Page 6, line 20.
Following: "REIMBURSED."
Insert: "The commissioner shall review differences between copayments, deductibles, and other cost-sharing arrangements."

And that this Conference Committee Report be adopted.

For the Senate:

Regan, Chairman
Bengtson
Harding

For the House:

Kitselman, Chairman
Thomas
J. Brown

Free Conference Committee
on House Bill No. 326
Report No. 1, April 14, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 326, met and considered:

House Bill No. 326

We recommend as follows:

That House Bill No. 326, reference copy, be amended as follows:

1. Title, line 5.
Following: "PROVIDE"
Insert: "THAT A JUDGE MUST SPECIFY"

2. Title, line 8.
Following: "~~OTHERWISE~~"
Strike: ", UNLESS THE SENTENCING COURT ORDERS OTHERWISE"

3. Page 3, line 11.
Following: "violated,"
Strike: remainder of line 11 through 15 in their entirety
Insert: "the court shall consider any elapsed time and either expressly allow part or all of it as a credit against the sentence, or reject all or part as a credit and state its reasons in the order. Credit, however, must be allowed for jail time already served."

And that this Free Conference Committee Report be adopted.

For the Senate: For the House:

Halligan, Chairman
Bishop
B.Brown

Mercer, Chairman
Gould
Addy

MESSAGES FROM THE OTHER HOUSE

House bills concurred in and transmitted to the Senate for concurrence:

HB 910, introduced by Winslow.

HJR 52, introduced by Simon.

HJR 53, introduced by Bulger.

Senate bills concurred in, as amended, and returned to the Senate for concurrence in House amendments:

SB 71, introduced by Gage.

SB 183, introduced by Regan.

SB 200, introduced by E. Smith.

SB 390, introduced by McCallum.

MOTIONS

Senator Rasmussen moved that the Senate temporarily suspend the rules to allow all bills currently on the board that pass second reading this day to be placed on third reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Galt, Halligan, McCallum, Meyer, Smith, Stimatz.
Total 6

Senator Van Valkenburg moved that the Conference Committee on HB 611 be dissolved and that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 611. Motion carried.

The President appointed the following members:

Senator Jacobson, Chairman
Senator Jergeson
Senator Hammond

Senator Keating moved that the Conference Committee on SB 210 be dissolved. Motion carried.

Senator Keating moved that the Senate suspend the rules to reconsider its action on SB 210 and place it on second reading this day. Motion carried.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HJR 50, introduced by Keenan, Schye, Harrington, Lory, Peck, Mercer, Nelson, Eudaily. Referred to Committee on Education and Cultural Resources.

HJR 52, introduced by Simon, J. Brown, McCormick, Swysgood, Bachini, Nisbet, Hansen, Brandewie, Thomas, Glaser, Kitselman, Grinde, Cohen, Wallin, C. Smith, Jones, Driscoll, Whalen, Pavlovich. Referred to Committee on State Administration.

HJR 53, introduced by Bulger, Raney, Bradley, Winslow, Vincent, Connelly, Darko, Bardanouve, Quilici, Marks, Kadas, Peck, Miles, Stang, Nathe, Rehberg, Switzer, Ramirez, Keenan, Mercer, Meyers, Miller, Spaeth, Menahan, Nisbet, Schye, Sands, Iverson, Strizich, Harrington, D. Brown, Brandewie, Poulsen, Cody, Thoft, Ream, McCormick. Referred to Committee on Public Health, Welfare, and Safety.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Blaylock in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 782 - Senator Hager moved that HB 782 be concurred in. Senator Brown made a substitute motion that HB 782, third reading copy, be amended as follows:

1. Page 4.
Following: line 11
Insert: "(7) At least 50% of the proceeds of a local option sales tax imposed under the authority provided by [this act] must be committed to the reduction of property tax mill levies by the jurisdiction in which the local option tax is imposed. This requirement does not apply to the 1% local option sales tax authorized if a general statewide sales tax is enacted."
Renumber: subsequent subsections

2. Page 4, line 24.
Strike: "(8)"
Insert: "(9)"

Amendment failed as follows:

Ayes: Aklestad, Beck, Bengtson, Brown, Crippen, Farrell, Gage, Hammond, Harding, Hirsch, Jergeson, Kolstad, Mazurek, McCallum, Neuman, Pinsoneault, Severson, Stimatz, Story, Walker, Yellowtail.
Total 21

Noes: Abrams, Anderson, Bishop, Blaylock, Boylan, Eck, Galt, Haffey, Hager, Himsl, Hofman, Jacobson, Keating, Lybeck, Lynch, Manning, McLane, Rasmussen, Regan, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Halligan, Meyer, Smith.
Total 3

Senator Hager's motion that HB 782 be concurred in failed as follows:

Ayes: Blaylock, Crippen, Eck, Gage, Galt, Hager, Halligan, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Pinsoneault, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Weeding, Mr. President.
Total 24

Noes: Abrams, Aklestad, Beck, Bengtson, Bishop, Boylan, Brown, Farrell, Haffey, Hammond, Himsl, Jacobson, Lybeck, Lynch, Manning, Meyer, Neuman, Severson, Smith, Stimatz, Tveit, Vaughn, Walker, Williams, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

Senator Lynch moved that HB 782 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Bishop, Boylan, Brown, Farrell, Gage, Haffey, Hammond, Himsl, Jacobson, Lybeck, Lynch, Manning, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Tveit, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 28

Noes: Blaylock, Crippen, Eck, Galt, Hager, Halligan, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Weeding.
Total 21

Excused: None.
Total 0

Absent or not voting: Anderson.
Total 1

HB 325 - Senator Mazurek moved that the Free Conference Committee Report on HB 325 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 455 - Senator Eck moved that the Governor's amendments to HB 455 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 532 - Senator Walker moved that the Governor's amendments to HB 532 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 45 - Senator McLane moved that HJR 45 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 48 - Senator Neuman moved that HJR 48 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 210 - Senator Keating moved that House amendments to SB 210 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Blaylock moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the President reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman)
4/15/87

HJR 47, third reading copy, be amended as follows:

1. Page 1.
Strike: line 25 through line 1, page 2

And, as amended, be concurred in. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 44, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 272, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 325, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 337, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 383, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 389, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 256, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 170, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 325, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Boylan, Himsl, Regan, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 455, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 532, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Beck, Bishop, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 45 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Aklestad, Hirsch.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 48 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Bishop, Hammond, Himsl, Hirsch, McCallum.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 5:00 p.m. Motion carried.

Senate recessed at 3:12 p.m.

Senate reconvened at 4:18 p.m.

REPORTS OF STANDING COMMITTEES

NATURAL RESOURCES (Keating, Chairman) 4/15/87
HJR 49, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill No. 102
Report No. 1, April 14, 1987

Mr. President:

We, your Conference Committee on House Bill No. 102, met and considered:

Senate Taxation Committee amendments to House Bill No. 102

We recommend as follows:

That House Bill No. 102, reference copy, be amended as follows:

1. Page 4, line 14.
Following: "SOURCE"
Insert: ", or by an amount of not less than $150,000 for first class counties, as defined in 7-1-2111, with a population greater than 40,000 or $100,000 for first class counties with a population not greater than 40,000"

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Story, Chairman	Grady, Chairman
Lybeck	Holliday
Beck	Swysgood

Conference Committee
on Senate Bill No. 331
Report No. 1, April 15, 1987

Mr. President:

We, your Conference Committee on Senate Bill No. 331, met and considered:

House Committee of the Whole amendments to Senate Bill No. 331

We recommend as follows:

That Senate Bill No. 331, reference copy, be amended as follows:

1. Title, line 10.
Strike: "AND"
Insert: ","

2. Title, line 11.
Following: "~~87-2-711,~~"
Insert: "87-2-505, AND 87-2-711,"

3. Page 1, line 21.
Strike: "AND"

4. Page 1, line 22.
Following: "23~~;~~"
Insert: ";

(3) Class AAA, sportsman's, $2; and

(4) Class B-10, nonresident big game combination, $23."

5. Page 5.
Following: line 12
Insert: "Section 7. Section 87-2-505, MCA, is amended to read:

"87-2-505. Class B-10—nonresident big game combination license. Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of ~~$350~~ $373 and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle the holder to all the privileges of Class B, Class B-1, Class B-7, and black bear licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year."

Section 8. Section 87-2-711, MCA, is amended to read:

"87-2-711. Class AAA—sportsman's license. Any resident, as defined by 87-2-102, who will be 12 years of age or older prior to September 15 of the season for which the license is issued, upon payment of the sum of ~~$36~~ $38, shall be entitled to a sportsman's license which shall permit the holder to exercise all rights granted to holders of Class A, A-1, A-3, A-5, A-6, and resident conservation licenses as prescribed in 87-2-202. The department shall furnish each holder of a sportsman's license an appropriate decal.""

6. Page 6, lines 2 through 8.
Strike: subsection (2) in its entirety

7. Page 6.
Following: line 8
Insert: "(2) If House Bill No. 526 and the provisions therein increasing the costs of the Class B-10 and Class AAA sportsmen's licenses are passed and approved:

(A) $23 of the $100 increase of the cost of Class B-10 license shall be used for the pheasant enhancement program; and

(B) $2 of the $9 increase of the cost of the Class AAA sportsmen's license shall be used for the pheasant enhancement program."

And that this Conference Committee Report be adopted.

For the Senate:

Smith, Chairman
Severson

For the House:

Ellison, Chairman
Bulger

Yellowtail Keller

Free Conference Committee
on House Bill No. 586
Report No. 1, April 15, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 586, met and considered:

House Bill No. 586

We recommend as follows:

That House Bill No. 586, reference copy, be amended as follows:

1. Statement of intent, line 10.
Following: "e.g."
Strike: "grocery stores or"
Insert: ","

2. Page 2, line 3.
Strike: "32 CENTS"
Insert: "1 cent"

3. Page 2, line 7.
Following: "PAID."
Insert: "The department shall deposit the tax paid under this section in the general fund."

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Williams, Chairman	Gould, Chairman
Manning	Grinde
Hager	Pavlovich

Free Conference Committee
on House Bill No. 796
Report No. 1, April 13, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 796, met and considered:

House Bill No. 796

We recommend as follows:

That House Bill No. 796, reference copy, be amended as follows:

1. Senate Standing Committee Report, dated 3/20/87.
Strike: the amendment in its entirety

2. Senate Committee of the Whole amendments, dated 3/25/87 (11:45).
Strike: the amendments in their entirety

3. Title, line 9.
Following: "PROVIDING"
Insert: "AN"
Strike: "DATES"
Insert: "DATE"

4. Page 3, line 7.
Strike: "10"
Insert: "15"

5. Page 3, line 8.
Strike: "UNLESS OTHERWISE DETERMINED BY"
Insert: ". A"

6. Page 3, line 9.
Strike: "BUT NO MORE THAN 10"
Insert: "however, may restrict the number of licensed machines available for play in an establishment to less than 15"

7. Page 3, line 16.
Following: "(4)" (renumbered)
Strike: "An"
Insert: "(a) Except as provided in subsection (4)(b), and"

8. Page 3, line 23.
Strike: ", UNLESS OTHERWISE DETERMINED BY"
Insert: ". (b) A"

9. Page 3, line 24.
Strike: ", BUT THE" through "16-3-304" on line 25
Insert: "may establish any hours of play for bingo machines that it determines proper"

10. Page 4, line 3.
Following: "."
Insert: "(1)"

11. Page 4, line 9.
Strike: "and"
Insert: ". (2) Except as provided in subsection (3),"

12. Page 4, line 13.
Strike: ", UNLESS" through "BODY" on line 14

13. Page 4, line 14.
Following: "."
Insert: "(3) A local governing body may establish any hours of play for video draw poker machines that it determines proper.

(4)"

14. Page 4, line 22.
Strike: "DATES"
Insert: "date"

15. Page 4, line 24.
Strike: "on passage and approval"
Insert: "July 1, 1988"

And that this Free Conference Committee report be adopted.

For the Senate:

Lynch, Chairman

McLane

For the House:

Driscoll, Chairman
Gould
Mercer

MESSAGES FROM THE GOVERNOR

The Honorable William Norman April 15, 1987

President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bills No. 122, 142, 184, 187, 226, 241, 246, 261, 275, 295, 321, 338, and 341 on this date.

Sincerely,

Ted Schwinden
Governor

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 10:00 a.m., April 16, 1987.

Motion carried.

Senate adjourned at 4:24 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana
April 16, 1987

Senate Chambers
State Capitol

Senate convened at 10:03 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-fourth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/16/87
Correctly enrolled:
SB 100 SB 162 SB 177 SB 274

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

April 16, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 51 and 335 on this date.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

The House, on 4/14/87, failed to override the Governor's veto on SB 149 as follows and returned the bill to the Senate:

YEAS - 46
NAYS - 54

The House, on 4/16/87, failed to concur in Senate amendments to HB 2 and the Speaker was authorized to appoint a Free Conference Committee requesting the Senate to appoint a like committee to confer on HB 2.

The Speaker appointed the following members:

Representative Thoft
Representative Rehberg
Representative Spaeth

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SR 5, introduced by Haffey, Farrell. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 22 - Senator Van Valkenburg moved that House amendments to SB 22 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 71 - Senator Gage moved that House amendments to SB 71 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 74 - Senator Mazurek moved that House amendments to SB 74 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183 - Senator Haffey moved, without objection, that SB 183 be placed at the bottom of the board.

SB 190 - Senator Lybeck moved that House amendments to SB 190 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Pinsoneault.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 - Senator Smith moved, without objection, that House amendments to SB 200 be placed below SB 371.

SB 340 - Senator Severson moved that House amendments to SB 340 be not concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Blaylock.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 390 - Senator McCallum moved, without objection, that consideration on House amendments to SB 390 be passed.

SB 331 - Senator Van Valkenburg moved, without objection, that the Conference Committee Report on SB 331 be placed at the bottom of the board.

SB 363 - Senator Jacobson moved that the Conference Committee Report on SB 363 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 371 - Senator Regan moved that the Conference Committee Report on SB 371 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 - Senator Aklestad moved, without objection, that House amendments to SB 200 be placed at the bottom of the board.

SJR 14 - Senator Gage moved that House amendments to SJR 14 be concurred in. Senator Yellowtail made a substitute motion that House amendments to SJR 14 be not concurred in. Substitute motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Blaylock, Crippen, Eck, Galt, Haffey, Hager, Hammond, Hirsch, Hofman, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Smith, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 35

Noes: Bengtson, Bishop, Brown, Farrell, Gage, Harding, Himsl, Keating.
Total 8

Excused: None.
Total 0

Absent or not voting: Boylan, Halligan, Jacobson, Pinsoneault, Severson, Thayer, Tveit.
Total 7

HB 581 - Senator Manning moved that HB 581 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 864 - Senator Story moved that HB 864 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 866 - Senator Jacobson moved that HB 866 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hirsch, Keating, Mazurek.
Total 3

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 886 - Senator Harding moved that HB 886 be concurred in. Motion failed as follows:

Ayes: Aklestad, Beck, Farrell, Hager, Harding, Keating, Mazurek, McCallum, Neuman, Story, Van Valkenburg.
Total 11

Noes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 35

Excused: None.
Total 0

Absent or not voting: Halligan, Pinsoneault, Thayer, Yellowtail.
Total 4

Senator Regan moved that HB 886 be indefinitely postponed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hammond, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Hager, Harding, Keating, McCallum.
Total 4

Excused: None.
Total 0

Absent or not voting: Beck, Eck, Halligan, Pinsoneault, Story, Thayer.
Total 6

HB 889 - Senator Jergeson moved that HB 889 be concurred in. Motion failed as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Brown, Galt, Haffey, Hammond, Harding, Hirsch, Jergeson, Lybeck, Manning, Mazurek, McLane, Meyer, Pinsoneault, Smith, Tveit, Van Valkenburg, Williams, Yellowtail.
Total 22

Noes: Aklestad, Blaylock, Boylan, Crippen, Farrell, Gage, Hager, Himsl, Hofman, Jacobson, Keating, Kolstad, Lynch, Neuman, Rasmussen, Severson, Stimatz, Story, Vaughn, Walker, Weeding, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: Bishop, Eck, Halligan, McCallum, Regan, Thayer.
Total 6

Senator Story moved that HB 889 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Beck, Crippen, Farrell, Gage, Hager, Himsl, Hofman, Keating, Kolstad, Lynch, Neuman, Severson, Story.
Total 14

Noes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Eck, Haffey, Hammond, Harding, Hirsch, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Stimatz, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: Bishop, Brown, Galt, Halligan, Regan, Thayer.
Total 6

HB 102 - Senator Story moved that the Conference Committee Report on HB 102 be adopted. Senator Van Valkenburg made a substitute motion that the Conference Committee Report on HB 102 be rejected. Substitute motion carried as follows:

Ayes: Aklestad, Anderson, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams.
Total 34

Noes: Abrams, Beck, Boylan, Galt, Kolstad, Lybeck, McLane, Severson, Smith, Yellowtail, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: Bishop, Halligan, Stimatz, Thayer, Tveit.
Total 5

HB 697 - Senator Lybeck moved that the Conference Committee Report on HB 697 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Galt in the Chair.

HB 326 - Senator Mazurek moved that the Free Conference Committee Report on HB 326 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 586 - Senator Williams moved that the Free Conference Committee Report on HB 586 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 752 - Senator Eck moved that the Free Conference Committee Report on HB 752 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 796 - Senator Lynch moved that the Free Conference Committee Report on HB 796 be rejected. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 46 - Senator Kolstad moved that HJR 46 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Blaylock.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 47 - Senator Blaylock moved that HJR 47 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 49 - Senator Keating moved that HJR 49 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report.

SB 71 - Senator Gage made a substitute motion to segregate House amendments to SB 71 from the Committee of the Whole report. Motion carried.

Chairman Galt moved to adopt the Committee Report, as amended. Motion carried.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 3:30 p.m. Motion carried.

Senate recessed at 11:56 a.m.

Senate reconvened at 3:35 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/16/87

Examined by the sponsors and found to be correct:

SB 162	Mazurek
SB 177	Yellowtail
SB 274	Hammond

Signed by the President at 10:20 p.m., 4/16/87:

HB 39	HB 787	HB 878	HB 888
HB 896	HB 901		

Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill No. 219
Report No. 1, April 15, 1987

Mr. President:

We, your Conference Committee on Senate Bill No. 219, met and considered:

House Fish and Game Committee amendments

House Committee of the Whole amendments

We recommend as follows:

That Senate Bill No. 219, reference copy, be amended as follows:

1. Page 2, lines 5 and 6.
Following: "section"
Strike: remainder of line 5 through "LAND" on line 6

2. Page 2, line 8.
Following: "~~him~~"
Insert: "to hunt elk on land owned by him"

3. Page 4, lines 7 and 8.
Following: "section"
Strike: remainder of line 7 through "land" on line 8

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Meyer, Chairman	Phillips, Chairman
Smith	Patterson
Yellowtail	DeMars

Conference Committee
on House Bill No. 459
Report No. 1, April 15, 1987

Mr. President:

We, your Conference Committee on House Bill No. 459, met and considered:

Senate amendments to House Bill No. 459

We recommend as follows:

That Senate amendments to House Bill No. 459, third reading copy, be concurred in.

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Lynch, Chairman	Phillips, Chairman
Kolstad	Roth
Farrell	Keenan

MESSAGES FROM THE OTHER HOUSE

The House, on 4/15/87, failed to concur in Senate amendments to HB 327 and authorized the Speaker to appoint a Conference Committee, requesting the Senate to appoint a like committee to confer on HB 327.

The Speaker appointed the following members:

Representative Grinde
Representative Gilbert
Representative Bulger

The House, on 4/15/87, failed to concur in Senate amendments to HB 460 and authorized the Speaker to appoint a Conference Committee, requesting the Senate to appoint a like committee to confer on HB 460.

The Speaker appointed the following members:

Representative Eudaily
Representative Winslow
Representative Keenan

The House, on 4/15/87, dissolved the Conference Committee on Senate amendments to HB 611, requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 611.

The Speaker appointed the following members:

Representative Nathe
Representative Thoft
Representative Brown

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on SJR 14. Motion carried.

The President appointed the following members:

Senator Yellowtail, Chairman
Senator Gage
Senator Eck

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 340. Motion carried.

The President appointed the following members:

Senator Severson, Chairman
Senator Hirsch
Senator Hager

Senator Williams moved that the Senate temporarily suspend the rules to reconsider its action on SB 39 and place it on second reading on the 87th legislative day, 4/20/87. Motion failed as follows:

Ayes: Abrams, Anderson, Halligan, Hammond, Jacobson, Pinsoneault, Story, Van Valkenburg, Williams, Mr. President.
Total 10

Noes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Vaughn, Walker, Weeding, Yellowtail.
Total 38

Excused: None.
Total 0

Absent or not voting: Boylan, McCallum.
Total 2

Senator Jergeson moved that consideration on HB 889 be passed until the 87th legislative day, 4/20/87. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Jacobson moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 183 - Senator Regan moved that House amendments to SB 183 be concurred in. Senator Hammond made a substitute motion that House amendments to SB 183 be not concurred in. Substitute motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Gage, Galt, Hager, Hammond, Himsl, Hirsch, Jergeson, Kolstad, McLane, Meyer, Pinsoneault, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 23

Noes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Halligan, Harding, Hofman, Jacobson, Keating, Lybeck, Manning, Mazurek, Neuman, Rasmussen, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Lynch, McCallum.
Total 2

Senator Regan's motion that House amendments to SB 183 be concurred in carried as follows:

Ayes: Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Harding, Jacobson, Keating, Lybeck, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 25

Noes: Abrams, Aklestad, Anderson, Beck, Boylan, Gage, Galt, Hammond, Himsl, Hirsch, Hofman, Jergeson, Kolstad, McLane, Meyer, Severson, Smith, Stimatz, Story, Thayer, Tveit, Weeding, Williams.
Total 23

Excused: None.
Total 0

Absent or not voting: Lynch, McCallum.
Total 2

SB 331 - Senator Smith moved that the Conference Committee Report on SB 331 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 200 - Senator Smith moved that House amendments to SB 200 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Eck, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Yellowtail.
Total 37

Noes: Brown, Crippen, Haffey, Halligan, Himsl, Jacobson, Lynch, Regan, Severson, Van Valkenburg, Walker, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 210, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Halligan, McCallum.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Mazurek, Chairman) 4/16/87

HB 474, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "DIRECTORS AND OFFICERS"
Insert: "A DIRECTOR OR OFFICER"

2. Title, lines 6 and 7.

Following: "CORPORATION" on line 6
Strike: remainder of line 6 through "SEVERALLY" on line 7
Insert: "MAY BE"

3. Page 1, line 11.
Strike: "liable"
Insert: "— liability"

4. Page 1, line 12.
Strike: "The directors and officers"
Insert: "A director or an officer"

5. Page 1, lines 12 and 13.
Following: "corporation" on line 12
Strike: remainder of line 12 through "severally" on line 13
Insert: "may be"

6. Page 1, line 14.
Following: "if"
Insert: "he knowingly allows the corporation to"

7. Page 1, lines 18 through 20.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

8. Page 1, line 21.
Following: "(2)"
Strike: "the corporation disposes"
Insert: "dispose"
Following: "of"
Insert: "all of"

9. Page 1, line 22.
Strike: "dissolves before"
Insert: "dissolve for the purpose of avoiding"

10. Page 1, line 23.
Following: "employees;"
Insert: "or"

11. Page 1, line 24.
Following: "(3)"
Strike: "a director or an officer"

12. Page 1, lines 24 and 25.
Following: "commingle" on line 24
Strike: remainder of line 24 through the first "assets" on line 25
Insert: "funds"

13. Page 1, line 25.
Following: "personal"
Strike: "assets"
Insert: "funds"

14. Page 2, lines 1 through 4.
Following: "officer" on line 1
Strike: remainder of line 1 through "organization" on line 4

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill No. 360
Report No. 1, April 16, 1987

Mr. President:

We, your Conference Committee on Senate Bill No. 360, met and considered:

House Committee of the Whole amendments to Senate Bill No. 360

We recommend as follows:

That House amendments to Senate Bill No. 360, reference copy, be concurred in.

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Bishop, Chairman	Glaser, Chairman
Halligan	Swysgood
Thayer	Spaeth

Conference Committee
on Senate Bill No. 298
Report No. 1, April 15, 1987

Mr. President:

We, your Conference Committee on Senate Bill No. 298, met and considered:

House Business and Labor Committee amendments to Senate Bill No. 298

We recommend as follows:

That Senate Bill No. 298, reference copy, be amended as follows:

1. Page 3, line 5 through page 4, line 11.
Strike: section 2 in its entirety
Renumber: subsequent sections

2. Page 25, line 6.
Strike: "SECTIONS"
Insert: "Section"
Strike: "AND 2 ARE"
Insert: "is"

3. Page 25, line 9.
Strike: "SECTIONS"
Insert: "section"
Strike: "AND 2"

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Neuman, Chairman	Kitselman, Chairman
Farrell	Glaser
Williams	Bardanouve

Free Conference Committee
on House Bill No. 442
Report No. 1, April 16, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 442, met and considered:

House Bill No. 442

We recommend as follows:

That House Bill No. 442, reference copy, be amended as follows:

1. Title, line 8.
Following: "~~DAMAGES;~~"
Insert: "PERMITTING INSURANCE COVERAGE OF PUNITIVE DAMAGES;"

2. Page 3, lines 3 through 5.
Following: "he" on line 3
Strike: remainder of line 3 through "(B)" on line 5

3. Page 3, line 8.
Strike: "(I)"
Insert: "(a)"

4. Page 3, line 11.
Strike: "(II)"
Insert: "(b)"

5. Page 3, lines 13 through 15.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

6. Page 5, line 18.
Following: "~~If~~"
Insert: "Evidence regarding a defendant's financial affairs, financial condition, and net worth is not admissible in a trial to determine whether a defendant is liable for punitive damages."

7. Page 5, line 19.
Following: "verdict"
Strike: "or"
Following: "finding"
Strike: "of liability"
Insert: "a defendant liable"

8. Page 5, line 20.
Following: "amount"
Strike: "thereof"
Insert: "of punitive damages"
Following: "must"
Insert: "then"
Following: "determined"
Strike: "exclusively"

9. Page 5, line 21.
Following: "JURY"
Insert: "in an immediate, separate proceeding"

10. Page 5, line 23.
Strike: "(8)(C)."
Insert: "(7)(c). In the separate proceeding to determine the amount of punitive damages to be awarded, the defendant's financial affairs, financial condition, and net worth must be considered."

11. Page 7, line 5.
Strike: "(8)(B)"
Insert: "(7)(b)"

12. Page 7, line 8.
Following: "INCREASING"

Strike: "OR"
Insert: ","
Following: "DECREASING"
Insert: ", or not increasing or decreasing"

13. Page 7, line 11.
Strike: "(8)(B)"
Insert: "(7)(b)"

14. Page 7, lines 12 through 17.
Strike: subsection (9) in its entirety
Insert: "(8) Nothing in this section is intended to alter the Montana Rules of Civil Procedure governing discovery of a defendant's financial affairs, financial condition, and net worth."

15. Page 7.
Following: line 22
Insert: "NEW SECTION. Section 3. Insurance coverage of punitive damages. (1) Insurance coverage does not extend to punitive or exemplary damages unless expressly included by the contract of insurance.

(2) Prior to renewal of any policy in effect on [the effective date of this act], the insurer shall provide the insured with notice of nonrenewal of coverage of punitive or exemplary damages in the same manner as required by the commissioner of insurance for the renewal of policies with altered terms."
Renumber: subsequent sections

16. Page 8, line 14.
Strike: "(7), (8), AND (9)"
Insert: "(6), (7), and (8)"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Halligan, Chairman	Mercer, Chairman
Crippen	Eudaily
Galt	Addy

Free Conference Committee
on House Bill No. 567
Report No. 1, April 16, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 567, met and considered:

House Bill No. 567

We recommend as follows:

That House Bill No. 567, reference copy, be amended as follows:

1. Page 5, line 16.
Strike: "$100,000"
Insert: "$50,000"

2. Page 5, line 17.
Following: "DAMAGES,"
Insert: "exclusive of court costs and attorney fees,"

3. Page 5, line 21.

Following: "(1),"
Insert: "the following amounts must be deducted from the amount of the insurance policy payment:

(a)"

4. Page 5, line 22.
Following: "PAID"
Insert: "for the 5 years prior to the date of injury;

(b) the amount the plaintiff paid from date of injury to date of judgment;"

5. Page 5, line 22.
Following: "AND"
Insert: "(c) the present value of the amount the plaintiff"

6. Page 5, line 22.
Following: "IS"
Insert: "thereafter"

7. Page 5, lines 23 and 24.
Following: "FORCE" on line 23
Strike: remainder of line 23 through "PAYMENT" on line 24
Insert: "for the period for which any reduction of an award is made pursuant to subsection (3)"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Halligan, Chairman	Ramirez, Chairman
Bishop	
Mazurek	Miles

MOTIONS

Senator Van Valkenburg moved that the Conference Committee on HB 102 be dissolved and the President be authorized to appoint a Free Conference Committee. Motion carried.

The President appointed the following members:

Senator Van Valkenburg, Chairman
Senator Lybeck
Senator Beck

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on SB 74. Motion carried.

The President appointed the following members:

Senator Mazurek, Chairman
Senator McCallum
Senator Brown

Senator Van Valkenburg moved that the Senate accede to the request of the House to dissolve the Conference Committee on Senate amendments to HB 277 and that the President be authorized to appoint a Free Conference Committee. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman

Senator Beck
Senator Pinsoneault

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE OTHER HOUSE

The House, on 4/16/87, failed to concur in Senate amendments to HB 861 and authorized the Speaker to appoint a Conference Committee requesting the Senate to appoint a like committee to confer on HB 861.

The Speaker appointed the following members:

Representative Sands
Representative Simon
Representative Addy

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., April 17, 1987.

Motion carried.

Senate adjourned at 4:32 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana
April 17, 1987

Senate Chambers
State Capitol

Senate convened at 9:05 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Olson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-fifth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/17/87

Correctly enrolled:

SB 44	SB 272	SB 325	SB 337
SB 389			

Examined by the sponsor and found to be correct:

SB 44	Farrell
SB 272	Lynch
SB 325	McCallum
SB 337	Manning
SB 389	McCallum

Signed by the President at 11:00 a.m., 4/16/87:

SB 162	SB 177	SB 274

Report adopted.

PUBLIC HEALTH, WELFARE, AND SAFETY (Eck, Chairman) 4/16/87

SJR 13, do pass. Report adopted.
HJR 53, be concurred in. Report adopted.
HB 627, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on House Bill No. 256
Report No. 1, April 15, 1987

Mr. President:

We, your Conference Committee on House Bill No. 256, met and considered:

Senate amendments to House Bill No. 256

We recommend as follows:

That Senate amendments to House Bill No. 256, reference copy, be concurred in.

And that this Conference Committee Report be adopted.

For the Senate:

Pinsoneault, Chairman
Mazurek
Beck

For the House:

Sales, Chairman
Campbell

Free Conference Committee
on House Bill No. 583
Report No. 1, April 16, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 583, met and considered:

House Bill No. 583

We recommend as follows:

That House Bill No. 583, reference copy, be amended as follows:

1. Page 7, line 13.
Following: "effective"
Strike: "on passage and approval"
Insert: "July 1, 1987"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
B. Brown, Chairman	Donaldson, Chairman
Manning	Quilici
Walker	

Free Conference Committee
on House Bill No. 796
Report No. 2, April 16, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 796, met and considered:

House Bill No. 796

We recommend as follows:

That House Bill No. 796, reference copy, be amended as follows:

1. Senate Standing Committee amendment, dated 3/20/87.
Strike: the amendment in its entirety

2. Senate Committee of the Whole amendment, dated 3/25/87 (11:45).
Strike: the amendments in their entirety

3. Title, line 9.
Following: "PROVIDING"
Insert: "AN"
Strike: "DATES"
Insert: "DATE"

4. Page 3, line 7.
Strike: "10"
Insert: "15"

5. Page 3, line 8.
Strike: "UNLESS OTHERWISE DETERMINED BY"
Insert: ". A"

6. Page 3, line 9.
Strike: "BUT NO MORE THAN 10"

Insert: "however, may restrict the number of licensed machines available for play in an establishment to less than 15"

7. Page 3, line 16.
Following: "(4)" (renumbered)
Strike: "An"
Insert: "(a) Except as provided in subsection (4)(b), and"

8. Page 3, line 23.
Strike: ", UNLESS OTHERWISE DETERMINED BY"
Insert: ". (b) A"

9. Page 3, line 24.
Strike: ", BUT THE" through "16-3-304" on line 25
Insert: "may establish any hours of play for bingo machines that it determines proper"

10. Page 4, line 3.
Following: "."
Insert: "(1)"

11. Page 4, line 9.
Strike: "and"
Insert: ". (2) Except as provided in subsection (3),"

12. Page 4, line 13.
Strike: ", UNLESS" through "BODY" on line 14

13. Page 4, line 14.
Following: "."
Insert: "(3) A local governing body may establish any hours of play for video draw poker machines that it determines proper.

(4)"

14. Page 4, line 22.
Strike: "DATES"
Insert: "date"

15. Page 4, line 24.
Strike: "on passage and approval"
Insert: "December 31, 1988"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Lynch, Chairman	Driscoll, Chairman
Crippen	Gould
McLane	Mercer

MESSAGES FROM THE GOVERNOR

April 16, 1987

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 570, "AN ACT PROVIDING THAT IF AN ALL-BEVERAGES LICENSE IS USED AT A GOLF COURSE OR A PUBLICLY OWNED GOLF COURSE BEER AND WINE LICENSE IS ISSUED, THE ALCOHOLIC BEVERAGES MAY BE SOLD BY THE LICENSEE FROM A PORTABLE DEVICE AS WELL AS AT THE GOLF COURSE CLUBHOUSE AND CONSUMED AT ANY PLACE WITHIN THE BOUNDARIES OF THE GOLF COURSE; AND AMENDING SECTION 16-3-302, MCA," with the attached amendments for the following reasons.

House Bill No. 570, as passed, contains no effective date and would therefore become effective on October 1, 1987, after the 1987 golf season. Representatives Brandewie and Grady have requested me to return the bill with an amendment for an immediate effective date so that it applies to the 1987 golf season. My amendments make House Bill No. 570 effective upon passage and approval.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S PROPOSED AMENDMENTS
TO HOUSE BILL NO. 570
(Reference Copy)
April 16, 1987

1. Title, line 10.
Following: "COURSE;"
Strike: "AND"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.
Following: line 13
Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

HJR 54, introduced by Bradley.

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

SJR 8, introduced by Keating.

Governor's amendments to Senate bills concurred in and returned to the Senate:

SB 103, introduced by Hager.

SB 118, introduced by Halligan.

SB 279, introduced by Keating.

Governor's amendments to House bills concurred in and transmitted to the Senate for concurrence in Governor's amendments:

HB 623, introduced by Harrington.

HB 658, introduced by Menahan.

Free Conference Committee Report adopted:

SB 256, Free Conference Committee Report.

The House, on 4/16/87, dissolved the Conference Committee on Senate amendments to HB 327.

The House, on 4/16/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 48.

The Speaker appointed the following members:

Representative Lory
Representative Keller
Representative Addy

The House, on 4/16/87, acceded to the request of the Senate and authorized the Speaker to appoint a Free Conference Committee to meet with a like committee of the Senate to confer on SB 64.

The Speaker appointed the following members:

Representative Asay
Representative Ramirez
Representative Ream

The House, on 4/16/87, failed to concur in Senate amendments to HB 233 and authorized the Speaker to appoint a Conference Committee requesting the Senate to appoint a like committee to confer on HB 233.

The Speaker appointed the following members:

Representative Phillips
Representative Compton
Representative Bardanouve

MOTIONS

Senator Hammond moved that the Senate reconsider its previous action on House amendments to SB 183 and place it on second reading this legislative day.

Senator Lybeck moved the previous question. Motion carried as follows:

Ayes: Beck, Bengtson, Boylan, Brown, Crippen, Eck, Farrell, Gage, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Smith, Story, Thayer, Weeding, Yellowtail, Mr. President.
Total 31

Noes: Abrams, Aklestad, Anderson, Bishop, Blaylock, Galt, Haffey, Hammond, Jacobson, Lynch, Mazurek, Pinsoneault, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Williams.
Total 18

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

Senator Hammond's motion failed as follows:

Ayes: Abrams, Aklestad, Beck, Bengtson, Farrell, Gage, Galt, Hager, Halligan, Hammond, Hirsch, Hofman, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Smith, Story, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail.
Total 25

Noes: Anderson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Harding, Himsl, Jacobson, Lybeck, Lynch, Manning, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Walker, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on HB 861. Motion carried.

The President appointed the following members:

Senator Mazurek, Chairman
Senator Halligan
Senator Thayer

Senator Haffey moved, without objection, that the members of the State Administration Committee be excused at this time.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HJR 54, introduced by Bradley, Donaldson, Vincent, Miller. Referred to Committee on Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 71 - Senator Gage moved that House amendments to SB 71 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Abrams, Anderson, Farrell, Haffey, Harding, Hirsch, Hofman, Rasmussen, Vaughn.

Total 9

Absent or not voting: None.
Total 0

SB 390 - Senator McCallum moved that House amendments to SB 390 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Abrams, Anderson, Farrell, Haffey, Harding, Hirsch, Hofman, Rasmussen, Vaughn.
Total 9

Absent or not voting: None.
Total 0

SB 219 - Senator Meyer moved that the Conference Committee Report on SB 219 be adopted. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Abrams, Anderson, Farrell, Haffey, Harding, Hirsch, Hofman, Rasmussen, Vaughn.
Total 9

Absent or not voting: None.
Total 0

SB 298 - Senator Neuman moved that the Conference Committee Report on SB 298 be adopted. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Abrams, Anderson, Farrell, Haffey, Harding, Hirsch, Hofman, Rasmussen, Vaughn.
Total 9

Absent or not voting: None.
Total 0

SB 360 - Senator Bishop moved that the Conference Committee Report on SB 360 be adopted. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Abrams, Anderson, Farrell, Haffey, Harding, Hirsch, Hofman, Rasmussen, Vaughn.
Total 9

Absent or not voting: None.
Total 0

HB 474 - Senator Mazurek moved that HB 474 be concurred in. Motion carried as follows:

Ayes: Aklestad, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Hager, Halligan, Hammond, Himsl, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: None.
Total 0

Excused: Abrams, Anderson, Farrell, Haffey, Harding, Hirsch, Hofman, Rasmussen, Vaughn.
Total 9

Absent or not voting: None.
Total 0

Senator Walker in the Chair.

State Administration Committee present at this time.

HB 459 - Senator Lynch moved that the Conference Committee Report on HB 459 be adopted. Motion carried as follows:

Ayes: Blaylock, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Keating, Lybeck, Lynch, McCallum, Pinsoneault, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 24

Noes: Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Galt, Hammond, Himsl, Jergeson, Manning, Mazurek, McLane, Rasmussen, Severson, Smith, Story, Tveit, Weeding, Yellowtail.
Total 21

Excused: None.

Total 0

Absent or not voting: Abrams, Kolstad, Meyer, Neuman, Williams.
Total 5

Senator Lynch in the Chair.

HB 442 - Senator Halligan moved that the Free Conference Committee Report on HB 442 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 567 - Senator Halligan moved that the Free Conference Committee Report on HB 567 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jacobson moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 102
Report No. 2, April 17, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 102, met and considered:

Senate Committee on Taxation amendments to House Bill No. 102

We recommend as follows:

That House Bill No. 102, reference copy, be amended as follows:

1. Page 4, line 14.
Following: "SOURCE"
Insert: ", or by an amount of not less than 100,000 for first class counties, as defined in 7-1-2111"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Van Valkenburg, Chairman	Grady, Chairman
Lybeck	Holliday
Beck	Swysgood

Free Conference Committee
on House Bill No. 277
Report No. 2, April 16, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 277, met and considered:

House Bill No. 277

We recommend as follows:

That House Bill No. 277, reference copy, be amended as follows:

1. Statement of intent, line 5.
Insert: "It is the intent of the legislature:
(1) that the proceeds of the license reinstatement fee be deposited in the general fund;
(2) that the amount of money collected in each county be recorded for each quarter; and
(3) that the legislature appropriate each quarter, from the general fund to the highway traffic safety division of the department of justice, an amount equal to the proceeds collected in fiscal 1988 and fiscal 1989 from the counties with a drinking and driving prevention program, for distribution to those counties."

2. Title, lines 10 and 11.
Strike: "AMENDING SECTION 17-7-502, MCA;"

3. Page 3, line 2.
Strike: ", 61-5-206,"

4. Page 3, line 9.
Following: "in"
Insert: "the general fund"

5. Page 3, line 11.
Strike: "A DRINKING" on line 11 through "TREASURY" on line 13

6. Page 3, line 15.
Strike: "(1)"

7. Page 3, line 21.
Strike: "PROPORTION OF THE"

8. Page 3, line 23.

Strike: "TOTAL COLLECTED FOR THE STATE TO THE"

9. Page 3, line 25 through line 6, page 5.
Following: "QUARTER."
Strike: "THE" on line 25 through "DRUGS." on page 5, line 6

10. Page 5, line 7.
Strike: "ALL MONEY" through "payments" on page 8, line 6
Insert: "There is appropriated from the general fund to the highway traffic safety division of the department of justice, for the biennium ending June 30, 1989, all money collected under section 2 from counties with a drinking and driving prevention program as provided in section 1, to be distributed as provided in section 3"
Renumber: subsequent sections

11. Strike: "NEW SECTION." in the following locations:
Page 1, line 14
Page 2, line 22
Page 3, line 14
Page 5, line 7
Page 8, lines 12 and 17

12. Page 8, lines 13 and 16.
Strike: "4"
Insert: "3"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Halligan, Chairman	Rehberg, Chairman
Pinsoneault	Donaldson
Beck	Connelly

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 22, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183, House amendments, concurred in as follows:

Ayes: Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Harding, Himsl, Jacobson, Lybeck, Lynch, Manning,

McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Vaughn, Walker.
Total 27

Noes: Abrams, Aklestad, Bengtson, Farrell, Gage, Galt, Halligan, Hammond, Hirsch, Hofman, Jergeson, Keating, Kolstad, Mazurek, McLane, Smith, Story, Tveit, Van Valkenburg, Weeding, Williams, Yellowtail, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 190, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Bishop, Galt, Hirsch, Mazurek, Pinsoneault.
Total 5

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

SB 200, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Manning, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Story, Thayer, Tveit, Vaughn, Weeding, Williams, Yellowtail.
Total 36

Noes: Brown, Crippen, Halligan, Himsl, Jacobson, Lynch, Mazurek, Neuman, Regan, Severson, Stimatz, Van Valkenburg, Walker, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 331, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 49

Noes: Farrell.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 371, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 581 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Aklestad, Beck, Galt, Story.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 864 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, ~~Hammond,~~ Harding, Himsl, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total ~~39~~ 38

Noes: Aklestad, Bengtson, Hammond, Hirsch, Hofman, Kolstad, McLane, Pinsoneault, Smith, Thayer, Tveit, Yellowtail.
Total ~~11~~ 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 866 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 41

Noes: Hirsch, Keating, Kolstad, Mazurek, Neuman, Pinsoneault, Smith, Story, Yellowtail.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 697, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: McCallum.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 326, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Pinsoneault.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 586, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 752, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Williams.
Total 1

HJR 46 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Hofman, Jacobson,

Keating, Kolstad, Lybeck, Lynch, Manning, McLane, Meyer, Neuman, Rasmussen, Regan, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 35

Noes: Bengtson, Bishop, Blaylock, Halligan, Himsl, Hirsch, Jergeson, Mazurek, McCallum, Pinsoneault, Severson, Story, Thayer, Tveit, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 47 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Beck, Bishop, Hammond, Himsl, McLane, Severson, Thayer, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: Mazurek.
Total 1

HJR 49 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Rasmussen, Regan, Smith, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 38

Noes: Aklestad, Beck, Bishop, Boylan, Hammond, Hirsch, McCallum, Pinsoneault, Severson, Story, Thayer, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hammond moved that his vote on HB 864 be changed from yes to no. Motion carried.

SPECIAL ORDERS OF THE DAY

Senator Tveit read the following proclamation:

STATE OF MONTANA

WHEREAS, the prehistoric paddlefish is a rare species of fish residing in the Yellowstone and Missouri Rivers inside the State of Montana;

WHEREAS, this unique fish attracts a rare breed of snagging anglers from within the state and around the world as the paddlefish makes its migration upriver on its annual spawning run each year from May through July;

WHEREAS, the paddlefish is recognized as a strong force in sportsmanship and tourism for the State of Montana; and

WHEREAS, May 1 marks the annual vigil at Sidney for the trek of Peter Paddlefish and also marks the beginning of the paddlefishing season in the state;

NOW, THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, do hereby proclaim May 1, 1987, as

PETER (AND PAULA) PADDLEFISH DAY

in Montana and recognize the City of Sidney for their efforts in bringing recognition to the state and the unique paddlefish found in the Yellowstone and Missouri Rivers. Congratulations to the citizens of Sidney as they celebrate Peter Paddlefish Day each May 1. All of Montana joins you in your efforts to promote the state.

IN WITNESS WHEREOF, I have hereunto
set my hand and caused the GREAT SEAL
OF THE STATE OF MONTANA to be affixed.
DONE at the City of Helena, the Capital,
this 17th day of April, in the
year of our LORD, one thousand nine
hundred and eighty-seven.

TED SCHWINDEN
Governor of Montana

JIM WALTERMIRE
Secretary of State

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/17/87

Correctly enrolled:
SB 383

Examined by the sponsor and found to be correct:
SB 383 Gage

Signed by the President at 9:45 a.m., 4/17/87:
SB 44 SB 272 SB 325 SB 337
SB 389

Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 4/17/87

SR 5, do pass. Report adopted.
HJR 52, be concurred in. Report adopted.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 11:00 a.m. Motion carried.

Senate recessed at 10:23 a.m.

Senate reconvened at 11:10 a.m.

Senator Van Valkenburg moved that the Senate recess until 12:30 p.m. Motion carried.

Senate recessed at 11:12 a.m.

Senate reconvened at 12:36 p.m.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill No. 64
Report No. 1, April 16, 1987

Mr. President:

We, your Free Conference Committee on Senate Bill No. 64, met and considered:

Senate Bill No. 64

We recommend as follows:

That Senate Bill No. 64, reference copy, be amended as follows:

1. Title, line 9.
Following: "~~15-6-135,~~"
Insert: "15-6-135,"

2. Page 3.
Following: line 22
Strike: subsection (7) in its entirety

3. Page 17.
Following: line 3
Insert: "Section 3. Section 15-6-135, MCA, is amended to read:

"15-6-135. Class five property — description — taxable percentage. (1) Class five property includes:

(a) all property used and owned by cooperative rural electrical and cooperative rural telephone associations organized under the laws of Montana, except property owned by cooperative organizations described in subsection (1)(c) of 15-6-137;

(b) air and water pollution control equipment as defined in this section;

(c) new industrial property as defined in this section;

(d) any personal or real property used primarily in the production of gasohol during construction and for the first 3 years of its operation~~.~~;

(e) all land and improvements and all personal property owned by a research and development firm, provided that the property is actively devoted to research and development.

(2) (a) "Air and water pollution equipment" means facilities, machinery, or equipment used to reduce or control water or atmospheric pollution or contamination by removing, reducing, altering, disposing, or storing pollutants, contaminants, wastes, or heat. The department of health and environmental sciences shall determine if such utilization is being made.

(b) The department of health and environmental sciences' determination as to air and water pollution equipment may be appealed to

the board of health and environmental sciences and may not be appealed to either a county tax appeal board or the state tax appeal board. However, the appraised value of the equipment as determined by the department of revenue may be appealed to the county tax appeal board and the state tax appeal board.

(3) "New industrial property" means any new industrial plant, including land, buildings, machinery, and fixtures, used by new industries during the first 3 years of their operation. The property may not have been assessed within the state of Montana prior to July 1, 1961.

(4) (a) "New industry" means any person, corporation, firm, partnership, association, or other group that establishes a new plant in Montana for the operation of a new industrial endeavor, as distinguished from a mere expansion, reorganization, or merger of an existing industry.

(b) New industry includes only those industries that:

(i) manufacture, mill, mine, produce, process, or fabricate materials;

(ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials; or

(iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the 1972 Standard Industrial Classification Manual prepared by the United States office of management and budget.

(5) New industrial property does not include:

(a) property used by retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions;

(b) a plant that will create adverse impact on existing state, county, or municipal services; or

(c) property used or employed in any industrial plant that has been in operation in this state for 3 years or longer.

(6) Class five property is taxed at 3% of its market value.""

Renumber: subsequent sections

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Halligan, Chairman	Ream, Chairman
B. Brown	Ramirez
McCallum	Asay

MESSAGES FROM THE OTHER HOUSE

The House, on 4/16/87, dissolved the Conference Committee on Senate amendments to HB 102, requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 102.

The Speaker appointed the following members:

Representative Grady
Representative Swysgood
Representative Holliday

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on House amendments to SB 71. Motion carried.

The President appointed the following members:

Senator Blaylock, Chairman
Senator Beck
Senator Gage

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 1:00 p.m., April 20, 1987.

Motion carried.

Senate adjourned at 12:45 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
April 20, 1987

Senate Chambers
State Capitol

Senate convened at 1:04 p.m., President Norman presiding. Invocation by the Chaplain, Pastor Monson. Pledge of Allegiance to the Flag.

Roll call. All members present except Story, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-sixth legislative day, find the same to be correct.

Galt, Chairman

SPECIAL ORDERS OF THE DAY

The Sergeant-at-Arms and the Chief Justice of the Montana Supreme Court, Jean Turnage, escorted the Honorable William C. Goodloe, Supreme Court Justice, State of Washington to the rostrum.

Justice Goodloe delivered a speech on the U.S. Constitution, as a member of the U.S. Bicentennial Commission.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/20/87

Correctly printed and placed on the members' desks:

SR 5	SJR 13

Signed by the President at 12:55 p.m., 4/17/87:

SB 383

Signed by the President at 11:45 a.m., 4/20/87:

HB 275	HB 361	HB 532	HB 848
HJR 45	HJR 48		

Delivered to the Governor at 9:50 a.m., 4/20/87:

SB 383

Delivered to the Governor at 12:58 p.m., 4/20/87:

SB 44	SB 162	SB 177	SB 272
SB 274	SB 325	SB 337	SB 389

Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 4/20/87

Recommend that at the end of business April 17, 1987, employment of the following be terminated:

Heidi Holbrook ..... Page
Leslie Gilmore ..... Page
Kirk Ueland ..... Page
Jason Meyer ..... Page
Joe Schumacher ..... Page
Jeff Jensen ..... Page
Amy Silliman ..... Page
Jacqueline Crepeau ..... Page
Dena-Marie Pitcher ..... Page

Report adopted.

Recommend that at the beginning of business April 20, 1987, the following be employed:

Boone Cole ..... Page

Brandon Byars ..... Page
Marc Murfitt ..... Page
AnnaMarie Ronneberg ..... Page
Angela Foster ..... Page
Aaron Olson ..... Page
TJ Graveley ..... Page
Keri Stevenson ..... Page

Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 206
Report No. 1, April 17, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 206, met and considered:

House Bill No. 206

We recommend as follows:

That House Bill No. 206, reference copy, be amended as follows:

1. Title, line 8.
Following: "OF"
Strike: "A $1 BILL"
Insert: "BILLS NOT TO EXCEED $5"

2. Page 3, line 5.
Strike: "$1"
Following: "bills"
Insert: "not to exceed $5"

And that this Free Conference Committee Report be adopted.

For the Senate:

Boylan, Chairman
Stimatz

For the House:

McCormick, Chairman
Swysgood
Brandewie

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

April 20, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 224, 266 and 374 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman
President of the Senate
State Capitol

April 14, 1987

Helena, MT 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear President Norman and Speaker Marks:

After reviewing the "silver" copy of HB 252 prepared by the Legislative Council (which includes the amendments I have proposed), I find that the following amendments are necessary to implement the intent of my recommendations as set forth in my April 6 letter and attached explanation sheet:

1. Page 5, line 8.
Following: "BASE"
Strike: "CONSUMPTION"
Insert: "production"

2. Page 12, line 6.
Following: "(2)(b)"
Strike: "and"
Insert: ","
Following: "(2)(c)"
Insert: ", and (2)(d)"

3. Page 12, line 13.
Following: "calculation"
Insert: "in"

4. Page 12.
Following: line 25
Insert:

"8,000-9,000	34 cents or 25% of value	10 cents or 4% of value"

5. Page 14, lines 7 and 8.
Following: "on" on line 7
Strike: "this" on line 7 and "schedule" on line 8
Insert: "these schedules"

6. Page 19, line 11.
Following: "THE"
Strike: "PURCHASER'S"
Insert: "coal mine operator's"

7. Page 23, line 8.
Following: "~~1-2-109~~"
Strike: "THIS ACT"
Insert: "Sections 2 and 5"

8. Page 23.
Following: line 8
Strike: "APPLIES"
Insert: "apply"

9. Page 23.
Following: line 9
Strike: "YEARS"
Insert: "periods"

I request that these amendments be included when the enrolled version of HB 252, with Governor's amendments, is prepared prior to legislative action on my amendatory veto.

Sincerely,

Ted Schwinden
Governor

AMENDMENTS
TO HOUSE BILL NO. 252
(Reference Copy)

1. Title, lines 6 through 8.
Following: "RATES;" on line 6
Strike: remainder of line 6 through "PURCHASED;" on line 8
Insert: "PROVIDING A CONTINGENT PERMANENT REDUCTION; EXTENDING THE NEW PRODUCTION CREDIT;"

2. Title, line 10.
Following: "15-35-104"
Strike: "AND"
Insert: ","
Following: "15-35-202"
Strike: "THROUGH 15-35-204"
Insert: ", AND 15-35-203"

3. Page 3, line 25.
Following: "(2)"
Insert: "(a)"
Following: "purchaser"
Insert: ", except as provided in subsection (2)(b),"

4. Page 4.
Following: line 1
Strike: "(a)"
Insert: "(i)"

5. Page 4.
Following: line 4
Strike: "(b)"
Insert: "(ii)"

6. Page 4.
Following: line 5
Strike: "(i)"
Insert: "(A)"

7. Page 4.
Following: line 8
Strike: "(ii)"
Insert: "(B)"

8. Page 4.
Following: line 16
Insert: "(b) If the volume calculated in subsection (2)(a)(i) is less than one-third of the volume calculated in subsection (2)(a)(ii), the base consumption level is the volume calculated in subsection (2)(a)(ii)."

9. Page 4, line 17.
Following: "(3)"

Insert: "(a)"
Strike: ""Base"
Insert: "Except as provided in subsection (3)(b), "base"

10. Page 4.
Following: line 18
Strike: "(a)"
Insert: "(i)"

11. Page 4.
Following: line 21
Strike: "(b)"
Insert: "(ii)"

12. Page 4.
Following: line 23
Insert: "(b) If the amount calculated in subsection (3)(a)(ii) is less than one-third of the amount calculated in subsection (3)(a)(i), the base production level is the amount calculated in subsection (3)(a)(i)."

13. Page 6.
Following: line 12
Strike: subsection (9) in its entirety
Renumber: subsequent subsections

14. Page 7.
Following: line 4
Strike: subsection (14) in its entirety
Renumber: subsequent subsections

15. Page 7, line 18 through page 9, line 19.
Strike: section 3 in its entirety
Insert: "Section 3. Section 15-35-103, MCA, is amended to read:

"15-35-103. Severance tax — rates imposed — exemptions. (1) ~~A~~ Except as provided in subsection (2), a severance tax is imposed on each ton of coal produced in the state in accordance with the following schedule:

(a) Fiscal Years 1988 and 1989:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 20% of value	5 cents or 3% of value
7,000-8,000	22 cents or 30% of value	8 cents or 4% of value
8,000-9,000	34 cents or 30% of value	10 cents or 4% of value
Over 9,000	40 cents or 30% of value	12 cents or 4% of value

(b) Fiscal Year 1990:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 25% of value	8 cents or 4% of value

8,000-9,000	34 cents or 25% of value	10 cents or 4% of value
Over 9,000	40 cents or 25% of value	12 cents or 4% of value

(c) Fiscal Year 1991 and Thereafter:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 20% of value	8 cents or 4% of value
8,000-9,000	34 cents or 20% of value	10 cents or 4% of value
Over 9,000	40 cents or 20% of value	12 cents or 4% of value

(2)(a)(i) On or before October 1, 1988, the department shall determine the total number of tons of coal produced in Montana and sold from July 1, 1987, through June 30, 1988. If the department finds that these sales exceed 32.2 million tons (which is the average total yearly coal sales for calendar years 1983, 1984, 1985, and 1986), the rate of the coal severance tax is as set forth in subsections (2)(b) through (2)(d).

(ii) If any facility that burned Montana coal at any time from July 1, 1987, to June 30, 1988, does not operate during a portion of that period due to mechanical failure or catastrophic act of God, the department shall determine the average monthly sales of Montana coal to the facility during its operation and multiply this figure by 12. The department shall include the product of this calculation making its determination of coal produced in Montana and sold from July 1, 1987, through June 30, 1988.

(b) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state from July 1, 1988, through June 30, 1990, is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 17% of value	5 cents or 3% of value
7,000-8,000	22 cents or 25% of value	8 cents or 4% of value
8,000-9,000	34 cents or 25% of value	10 cents or 4% of value
Over 9,000	40 cents or 25% of value	12 cents or 4% of value

(c) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state from July 1, 1990, through June 30, 1991, is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value

7,000-8,000	22 cents or 20% of value	8 cents or 4% of value
8,000-9,000	34 cents or 20% of value	10 cents or 4% of value
Over 9,000	40 cents or 20% of value	12 cents or 4% of value

(d) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state after June 30, 1991, is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 15% of value	8 cents or 4% of value
8,000-9,000	34 cents or 15% of value	10 cents or 4% of value
Over 9,000	40 cents or 15% of value	12 cents or 4% of value

(3) "Value" means the contract sales price.

~~(2)~~(4) The formula which yields the greater amount of tax in a particular case shall be used at each point on ~~this schedule~~ these schedules.

~~(3)~~(5) A person is not liable for any severance tax upon 50,000 tons of the coal he produces in a calendar year, except that if he produces more than 50,000 tons of coal in a calendar year, he will be liable for severance tax upon all coal produced in excess of the first 20,000 tons.

~~(4)~~(6) A new coal production incentive tax credit may be claimed on certain coal as provided in 15-35-202.""

16. Page 9, line 20 through line 19, page 10.
Strike: section 4 in its entirety
Renumber: subsequent sections

17. Page 11, line 15 through line 9, page 12.
Strike: section 6 in its entirety
Insert: "Section 5. Section 15-35-202, MCA, is amended to read:

"15-35-202. New coal production incentive tax credit allowed — application limited. (1) A coal mine operator is entitled to a new coal production incentive tax credit ~~of 33 1/3% of~~ against the tax imposed under 15-35-103 ~~on any~~ of:

(a) 33 1/3% for incremental production ~~produced and~~ sold during calendar years 1985 and 1986~~.~~;

(b) 50% for incremental production sold from January 1, 1987, until June 30, 1988; and

(c) 40% for incremental production sold from July 1, 1988, until June 30, 1990; provided, however, that if the production quota established in 15-35-103 (2)(a)(i) is not met, the tax credit for this period is 50% for fiscal year 1989 and 40% for fiscal year 1990.

(2) (a) A coal mine operator is entitled to a new coal production incentive tax credit ~~of 33 1/3% of~~ against the tax imposed under

15-35-103 on incremental production for the entire term of an agreement, except as provided in subsection (3), if the incremental production resulted from coal purchases under:

~~(a)~~(i) an existing agreement which was extended between January 1, 1985, and ~~June 30, 1987~~ December 31, 1988, for at least a 5-year period; or

~~(b)~~(ii) a new agreement that was executed between January 1, 1985, and ~~June 30, 1987~~ December 31, 1988.

(b) The rate of credit allowed under subsection (2)(a) is:

(i) 33 ⅓% for incremental production sold from January 1, 1985, until December 31, 1986;

(ii) 50% for any incremental production sold from January 1, 1987, until June 30, 1988;

(iii) 40% for any incremental production sold from July 1, 1988, until June 30, 1990. However, if the production quota established in 15-35-103 (2)(a)(i) is not met, the tax credit for this period is 50% for fiscal year 1989 and 40% for fiscal year 1990.

(iv) 25% for any incremental production sold from July 1, 1990, until June 30, 1991; and

(v) 25% after June 30, 1991, if the production quota in 15-35-103 (2)(a)(i) has not been met.

(3) No credit may be claimed for coal produced prior to January 1, 1985.""

18. Page 12.
Following: line 17
Insert: "(b) distributing the incremental production among the quarters in the calendar year in the same proportion as the total volume of coal sold each quarter to each respective purchaser and summing the amounts for all purchasers to determine the coal mine operator's incremental production for each quarter;"
Renumber: subsequent subsections

19. Page 12, line 20.
Following: "purchaser"
Insert: "each quarter"

20. Page 12.
Following: line 22
Strike: "calendar year"
Insert: "quarter"

21. Page 12.
Following: line 24
Strike: "33 ⅓%"
Insert: "the appropriate percentage as provided in 15-35-202 for each quarter"

22. Page 13, line 2.
Following: "purchasers"
Insert: "for all four quarters of the calendar year"

23. Page 13, lines 8 and 9.
Following: "year." on line 8
Strike: remainder of line 8 through "subsection." on line 9

24. Page 14, line 4.
Strike: section 8 in its entirety
Renumber: subsequent sections

25. Page 16, line 8.
Following: "Applicability."
Strike: remainder of section 10 in its entirety
Insert: "Sections 2 and 5 apply retroactively, within the meaning of 1-2-109, to tax periods beginning after December 31, 1986."

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Beck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 64 - Senator Halligan moved that the Free Conference Committee Report on SB 64 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

SR 5 - Senator Haffey moved that SR 5 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: Weeding.
Total 1

SJR 13 - Senator Keating moved that SJR 13 do pass. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

SJR 8 - Senator Keating moved that House amendments to SJR 8 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 627 - Senator Halligan moved that HB 627 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 889 - Senator Jergeson moved that consideration on HB 889 be passed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 256 - Senator Pinsoneault moved that the Conference Committee Report on HB 256 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 102 - Senator Van Valkenburg moved that the Free Conference Committee Report on HB 102 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 277 - Senator Halligan moved that the Free Conference Committee Report on HB 277 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 583 - Senator Brown moved that the Free Conference Committee Report on HB 583 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 796 - Senator Crippen moved that consideration on the Free Conference Committee Report on HB 796 be passed for the day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 623 - Senator Lynch moved that the Governor's amendments to HB 623 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 658 - Senator Himsl moved that the Governor's amendments to HB 658 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

Senator Story present at this time.

HJR 52 - Senator Mazurek moved that HJR 52 be concurred in. Motion carried as follows:

Ayes: Anderson, Beck, Bishop, Boylan, Brown, Crippen, Farrell, Haffey, Hager, Halligan, Harding, Hofman, Jacobson, Keating, Kolstad, Lybeck, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 32

Noes: Abrams, Aklestad, Bengtson, Blaylock, Eck, Gage, Hammond, Himsl, Hirsch, Jergeson, McCallum, Neuman, Regan, Stimatz, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: Galt, Lynch, Mr. President.
Total 3

HJR 53 - Senator Meyer moved that HJR 53 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Beck moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE OTHER HOUSE

The House, on 4/17/87, failed to accept the Governor's amendments on HB 252 and transmitted the bill to the Senate for its consideration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 219, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 298, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 46

Noes: Boylan, Keating, Story, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 360, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 474 concurred in as follows:

Ayes: Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 35

Noes: Abrams, Aklestad, Beck, Boylan, Galt, Hammond, Jergeson, Keating, Kolstad, McLane, Pinsoneault, Smith, Thayer, Tveit, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459, Conference Committee Report, adopted as follows:

Ayes: Anderson, Bengtson, Blaylock, Eck, Farrell, Gage, Haffey, Halligan, Harding, Hofman, Jacobson, Keating, Lybeck, Lynch, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 26

Noes: Abrams, Aklestad, Beck, Bishop, Boylan, Brown, Crippen, Galt, Hager, Hammond, Himsl, Hirsch, Jergeson, Kolstad, Manning, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Tveit, Weeding, Yellowtail.
Total 24

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 442, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 47

Noes: Boylan, Manning, Yellowtail.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 567, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee to confer on HB 460. Motion carried.

The President appointed the following members:

Senator Lynch, Chairman
Senator Regan
Senator Harding

Senator Van Valkenburg moved that the Governor's amendments to HB 252, as set forth in his letter dated 4/14/87, be placed on second reading this day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Beck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 252 - Senator Van Valkenburg moved that the Governor's amendments to HB 252 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: Crippen, Keating, Lybeck, Tveit, Mr. President.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Beck moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to place the Governor's amendments to HB 252 on third reading this day. Motion carried.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 252, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 45

Noes: Crippen, Keating, Lybeck, Tveit, Mr. President.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Secretary of the Senate inform the House of Representatives that the Governor's amendments to HB 252 were concurred in on second and third reading this day and that the Senate requests the House appoint a Free Conference Committee to meet with a like committee from the Senate to confer on HB 252. Motion carried.

Senator Van Valkenburg moved that the Senate recess until 4:00 p.m. Motion carried.

Senate recessed at 2:45 p.m.

Senate reconvened at 4:07 p.m.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill No. 74
Report No. 1, April 20, 1987

Mr. President:

We, your Free Conference Committee on Senate Bill No. 74, met and considered:

Senate Bill No. 74

We recommend as follows:

That Senate Bill No. 74, reference copy, be amended as follows:

1. Page 6, line 12.
Strike: "THROUGH"
Insert: ", (2)(e),"
Following: "(2)(F)"
Insert: ", (2)(h), or (2)(i)"

2. Page 6, line 15.
Strike: "THROUGH"
Insert: ", (2)(e),"
Following: "(2)(F)"
Insert: ", (2)(h), or (2)(i)"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Mazurek, Chairman	Ellison, Chairman
McCallum	Hoffman
Brown	Koehnke

Free Conference Committee
on House Bill No. 721
Report No. 1, April 16, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 721, met and considered:

Senate State Administration Committee amendments

Senate Committee of the Whole amendments

We recommend as follows:

That House Bill No. 721, reference copy, be amended as follows:

1. Title, line 11.
Strike: "95"
Insert: "100"

2. Page 2, line 5.
Strike: "95"
Insert: "100"

3. Page 2, lines 8 through 10.
Following: "SESSION." on line 8
Strike: remainder of line 8 through "DAYS." on line 10

4. Page 2, line 15.
Following: "~~legislature~~"
Insert: ", except that legislation relating to revenue or appropriations may be considered if approved for introduction by a two-thirds vote of the members of each house of the legislature"

5. Page 2, lines 20 through 22.
Following: "~~legislature~~"
Strike: remainder of line 20 through "SUBJECT" on line 22
Insert: ", except that legislation not relating to revenue or appropriations may be considered if approved for introduction by a two-thirds vote of the members of each house of the legislature. No bill introduced in one session may be carried over to any other session of that legislature"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Blaylock, Chairman	Vincent, Chairman
	Thomas
Haffey	Peterson

MESSAGES FROM THE OTHER HOUSE

The House, on 4/20/87, failed to concur in Senate amendments to HB 884 and authorized the Speaker to appoint a Conference Committee requesting the Senate to appoint a like committee to confer on HB 884.

The Speaker appointed the following members:

Representative Smith
Representative Marks
Representative Poulsen

The House, on 4/20/87, failed to concur in Governor's amendments to HB 252 and authorized the Speaker to appoint a Free Conference Committee requesting the Senate to appoint a like committee to confer on HB 252.

The Speaker appointed the following members:

Representative Marks
Representative Hanson
Representative D. Brown

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House on HB 252. Motion carried.

The President appointed the following members:

Senator Galt, Chairman
Senator Van Valkenburg
Senator Hirsch

Senator Neuman excused at this time.

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House on Senate amendments to HB 884. Senator Boylan made a substitute motion that the Senate not appoint a Conference Committee on Senate amendments to HB 884. Substitute motion failed as follows:

Ayes: Aklestad, Anderson, Bishop, Boylan, Crippen, Gage, Galt, Hammond, Harding, Hirsch, Hofman, Keating, Kolstad, Lynch, McCallum, Smith, Story, Tveit.
Total 18

Noes: Abrams, Beck, Bengtson, Blaylock, Brown, Eck, Farrell, Haffey, Hager, Halligan, Himsl, Jacobson, Jergeson, Lybeck, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 31

Paired: Boylan, Aye; Neuman, No.

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

Senator Van Valkenburg's motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Anderson, Beck, Boylan, Gage, Galt, Hammond, Harding, Keating, Kolstad, Meyer, Smith, Story, Tveit.
Total 14

Paired: Neuman, Aye; Boylan, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The President appointed the following members:

Senator Farrell, Chairman
Senator Williams

Senator Thayer

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/20/87

Correctly enrolled:
SB 183
Signed by the President at 1:35 p.m., 4/20/87:
SB 183
Signed by the President at 3:50 p.m., 4/20/87:
HB 397 HB 621 HB 849 HB 871
HB 873 HJR 44

Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 4/20/87

HJR 50, be concurred in. Report adopted.
HJR 54, be concurred in. Report adopted.

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 10:00 a.m., April 21, 1987.

Motion carried.

Senate adjourned at 4:26 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
April 21, 1987

Senate Chambers
State Capitol

Senate convened at 10:07 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Monson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-seventh legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/21/87

Considered correctly engrossed:
SJR 13

Correctly enrolled:
SB 22 SB 118 SB 190 SB 210
SB 279

Examined by the sponsor and found to be correct:
SB 183 Regan

Delivered to the Governor at 4:00 p.m., 4/20/87:
SB 183

Report adopted.

COMMITTEES (Galt/Mazurek, Co-Chairmen) 4/21/87

We, your Committee on Committees, hereby delete from the Administrative Code Committee:

Dick Pinsoneault

Hereby appoint to the Administrative Code Committee:

Bob Williams

Hereby appoint to the Revenue Oversight Committee:

Bill Norman
Joe Mazurek
Dorothy Eck
Bob Brown
Bruce Crippen
Tom Hager

Hereby appoint to the Capitol Building and Planning Committee:

Hubert Abrams
Eleanor Vaughn
Mike Walker
Gary Aklestad
Doc McLane
Sam Hofman

Hereby appoint to the Western States Forestry Task Force:

Ray Lybeck
Elmer Severson

Hereby appoint to the Coal Tax Oversight Committee:

Bill Yellowtail
John Anderson

Hereby appoint to the Water Policy Committee:

Esther Bengtson
Larry Stimatz
Jack Galt
Peter Story

Hereby appoint to the Legislative Finance Committee:

Fred Van Valkenburg George McCallum

Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on Senate Bill No. 340
Report No. 1, April 17, 1987

Mr. President:

We, your Conference Committee on Senate Bill No. 340, met and considered:

House Taxation Committee amendments to Senate Bill No. 340

House Committee of the Whole amendments to Senate Bill No. 340

We recommend as follows:

That Senate Bill No. 340, reference copy, be amended as follows:

1. Title.
Strike: line 10 in its entirety
Insert: "ELIMINATING AD VALOREM TAXES ON ALL UNPROCESSED AGRICULTURAL PRODUCTS IN FARM"

2. Title, line 11.
Following: "~~POULTRY,~~"
Insert: "AND ON BEES, POULTRY,"

3. Title, lines 13 and 14.
Strike: "LESS" on line 13 through "AGE" on line 14
Insert: ", AND OTHER ANIMALS, AND WILDLIFE RAISED IN DOMESTICATION OR IN A CAPTIVE ENVIRONMENT"

4. Title, line 15.
Following: "~~POULTRY~~"
Insert: "AND POULTRY"

5. Title, line 16.
Following: "~~POULTRY~~"
Insert: "AND POULTRY"

6. Title, line 18.
Following: "~~15-24-302,~~"
Insert: "15-8-201, 15-8-706, 15-24-301, 15-24-302,"

7. Title, line 19.
Strike: "AND"

8. Title, line 20.
Following: "~~81-8-804,~~"
Insert: "81-7-202, 81-7-303, 81-7-305, AND 81-8-804,"

9. Title, line 22.
Following: "~~15-24-911,~~"
Insert: "15-24-901 THROUGH 15-24-906, 15-24-908 THROUGH 15-24-911,"
Strike: "AND"
Insert: ","

10. Title, line 23.

Following: "~~81-7-118,~~"
Insert: "15-24-926, 15-24-931, 15-24-941 THROUGH 15-24-943, AND 81-7-118,"

11. Page 2, line 4.
Strike: ":"

12. Page 2.
Strike: lines 13 through 22 in their entirety

13. Page 2, line 23.
Strike: "(C)"

14. Page 3, line 1.
Strike: "(I)"
Insert: "(a)"

15. Page 3, line 3.
Strike: "(II)"
Insert: "(b)"

16. Page 3, line 8.
Strike: "(III)"
Insert: "(c)"

17. Page 3, line 16.
Strike: ", PERISHABLE" through "VEGETABLES"
Insert: "agricultural products"

18. Page 3, lines 18 through 21.
Strike: subsections (b) and (c) in their entirety

19. Page 3, line 25.
Strike: "(D)"
Insert: "(b)"

20. Page 4, line 1.
Strike: "EXCEPT" through ","

21. Page 4, lines 7 through 10.
Strike: "WHICH" on line 7 through "AND" on line 10
Insert: ", including cattle, sheep, horses, mules, or swine and other animals and wildlife raised in domestication or in a captive environment, and their unprocessed products;"

22. Page 4, line 11.
Strike: "(E)"
Insert: "(c)"

23. Page 4, lines 14 and 15.
Strike: "SWINE" on line 14 through "1" on line 15
Insert: "poultry and the unprocessed products of poultry; and

(d) bees and the unprocessed product of bees"

24. Page 9.
Following: line 12
Insert: "Section 3. Section 15-8-201, MCA, is amended to read:

"15-8-201. General assessment day. (1) The department of revenue or its agent must, between January 1 and the second Monday of July in each year, ascertain the names of all taxable inhabitants and assess all property subject to taxation in each county. The department or its agent must assess property to the person by whom it was

owned or claimed or in whose possession or control it was at midnight of January 1 next preceding. It must also ascertain and assess all mobile homes arriving in the county after midnight of January 1 next preceding. No mistake in the name of the owner or supposed owner of real property, however, renders the assessment invalid.

(2) The procedure provided by this section may not apply to:

(a) motor vehicles that are required by 15-8-202 to be assessed on January 1 or upon their anniversary registration date;

(b) automobiles and trucks having a rated capacity of three-quarters of a ton or less;

(c) motor homes and travel trailers subject to a fee in lieu of property tax;

(d) motorcycles and quadricycles;

~~(e) livestock;~~

~~(f)~~(e) property defined in 61-1-104 as "special mobile equipment" that is subject to assessment for personal property taxes on the date that application is made for a special mobile equipment plate; and

~~(g)~~(f) mobile homes held by a distributor or dealer of mobile homes as a part of his stock in trade.

(3) Credits must be assessed as provided in 15-1-101(1)(d)."

Section 4. Section 15-8-706, MCA, is amended to read:

"15-8-706. Statement by agent to the department. (1) On the second Monday in July in each year, the agent of the department of revenue in each county must transmit to the department a statement showing:

(a) the several kinds of personal property;

(b) the average and total value of each kind;

(c) the ~~number of livestock, number of bushels of grain,~~ number of pounds or tons of any article sold by the pound or ton;

(d) when practicable, the separate value of each class of land, specifying the classes and the number of acres in each.

(2) An agent of the department who purposely or negligently fails to perform his duty under this section or a deputy or member of the agent's staff delegated such duty who purposely or negligently fails to perform such duty is guilty of official misconduct under 45-7-401."

Section 5. Section 15-24-301, MCA, is amended to read:

"15-24-301. Personal property brought into the state — assessment — exceptions — custom combine equipment. (1) Except as provided in subsections (2) through (6), property in the following cases is subject to taxation and assessment for all taxes levied that year in the county in which it is located:

(a) any personal property (~~including~~ excluding livestock ~~and~~, poultry, and bees) brought, driven, or coming into this state at any time during the year that is used in the state for hire, compensation, or profit;

(b) property whose owner or user is engaged in gainful occupation or business enterprise in the state; or

(c) property which comes to rest and becomes a part of the general property of the state.

(2) The taxes on this property are levied in the same manner and to the same extent, except as otherwise provided, as though the property had been in the county on the regular assessment date, provided that the property has not been regularly assessed for the year in some other county of the state.

(3) Nothing in this section shall be construed to levy a tax against a merchant or dealer within this state on goods, wares, or merchandise brought into the county to replenish the stock of the merchant or dealer.

(4) Any motor vehicle not subject to the light vehicle license fee or a fee in lieu of tax brought, driven, or coming into this state by any nonresident person temporarily employed in Montana and used exclusively for transportation of such person is subject to taxation and assessment for taxes as follows:

(a) The motor vehicle is taxed by the county in which it is located.

(b) One-fourth of the annual tax liability of the motor vehicle must be paid for each quarter or portion of a quarter of the year that the motor vehicle is located in Montana.

(c) The quarterly taxes are due the first day of the quarter.

(5) Agricultural harvesting machinery classified under class eight, licensed in other states, and operated on the lands of persons other than the owner of the machinery under contracts for hire shall be subject to a fee in lieu of taxation of $35 per machine for the calendar year in which the fee is collected. The machines shall be subject to taxation under class eight only if they are sold in Montana.

(6) The provisions of this part do not apply to automobiles and trucks having a rated capacity of three-quarters of a ton or less, motorcycles, or quadricycles. These vehicles are subject to the fee provided for in 61-3-532 or 61-3-541."

Section 6. Section 15-24-302, MCA, is amended to read:

"15-24-302. Collection procedure. All property mentioned in 15-24-301 is assessed at the same value as property of like kind and character, and the assessment, levy, and collection of the tax are governed by the provisions of 15-8-408; 15-16-111 through 15-16-115; 15-16-404; chapter 17, part 9; and 15-24-202; as amended, except~~:~~

~~(1)~~ taxation of motor vehicles under 15-24-301(4), to the extent that subsection varies from the general provisions cited above~~; and~~

~~(2) livestock taxation governed by 81-7-104 and Title 81, chapter 7, part 2.~~""

Renumber: subsequent sections

25. Page 9, line 15.
Following: "~~poultry~~"
Insert: "and poultry"

26. Page 9, lines 19 and 20.
Strike: "(EXCEPT" on line 19 through "OLDER" on line 20

Insert: "and poultry"

27. Page 9, line 23.
Following: "~~poultry~~"
Insert: "and poultry"

28. Page 10, line 16.
Following: "~~repealed),~~"
Insert: ", 81-7-118 (now repealed),"

29. Page 11, line 6.
Following: "~~on~~"
Insert: "poultry, the amount received from the tax levied on"

30. Page 15, lines 3 and 4.
Strike: "9" on line 3 through "OLDER" on line 4

31. Page 15, lines 19 and 20.
Strike: "9" on line 19 through "OLDER" on line 20

32. Page 16, lines 12 and 13.
Strike: "9" on line 12 through "OLDER" on line 13

33. Page 17, line 20.
Following: "~~poultry~~"
Insert: "and poultry"

34. Page 23.
Following: line 11
Insert: "Section 16. Section 81-7-202, MCA, is amended to read:

"81-7-202. Signers of petition — time for presenting — limitation on bounties — bounty inspectors. (1) The petition provided for in 81-7-201 shall be signed by the owners, agent, or agents of not less than 51% of the livestock of such county ~~as ascertained from the assessment books of such county~~ and shall recommend to the board of county commissioners the bounties to be paid on such predatory animals, which shall not exceed the following:

(a) on each wolf or mountain lion, $100;

(b) on each wolf pup or mountain lion kitten, $20;

(c) on one coyote, $5;

(d) on each coyote pup, $2.50.

(2) Such petition shall be presented not later than August 1 of each year, and the board of county commissioners on determining the sufficiency of such petition shall make an order granting such petition, which order shall fix the levy for that year and the amount of the bounties to be paid for the killing of each such predatory animal, which shall not exceed the amounts recommended in such petition, and appoint not less than 10 or more than 20 stockowners of such county to be bounty inspectors under this part, without compensation, who shall hold their offices for 1 year."

Section 17. Section 81-7-303, MCA, is amended to read:

"81-7-303. County commissioners permitted to require per capita license fee on sheep. (1) To defray the expense of such protection the board of county commissioners of any county shall have the power to require all owners or persons in possession of any sheep ~~coming 1 year old or over~~ in the county on the regular assessment

date of each year to pay a license fee in an amount to be determined by the board on a per head basis for sheep so owned or possessed by him in the county. All owners or persons in possession of any sheep ~~coming 1 year old or over~~ coming into the county after the regular assessment date ~~and subject to taxation under the provisions of 15-24-301~~ shall also be subject to payment of the license fee herein prescribed.

(2) Upon the order of the board of county commissioners such license fees may be imposed by the entry thereof in the name of the licensee upon the property tax rolls of the county by the county ~~assessor~~ treasurer. Said license fees shall be payable to and collected by the county treasurer, and when so levied, shall be a lien upon the property, both real and personal, of the licensee. In case the person against whom said license fee is levied owns no real estate against which said license fee is or may become a lien, then said license fee shall be payable immediately upon its levy and the treasurer shall collect the same in the manner provided by law for the collection of personal property taxes which are not a lien upon real estate.

(3) When collected, said fees shall be placed by the treasurer in the predatory animal control fund and the moneys in said fund shall be expended on order of the board of county commissioners of the county for predatory animal control only."

Section 18. Section 81-7-305, MCA, is amended to read:

"81-7-305. Duty of county commissioners — petition of sheep owners — license fees. (1) In conducting a predatory animal control program, the board of county commissioners shall give preference to recommendations for such program and its incidents as made by organized associations of sheep growers in the county. Upon petition of the resident owners of at least 51% of the sheep in the county, ~~as shown by the assessment rolls of the last preceding assessment,~~ which petition shall be filed with the board of county commissioners on or before the first Monday in December in any year, such board shall establish the predatory animal control program and cause said licenses to be secured and issued and the fees collected for the following year in such amount as will defray the cost of administering the program so established. The license fee determined and set by the board shall remain in full force and effect from year to year without change, unless there is filed with the board a petition subscribed by the resident owners of at least 51% of the sheep in the county~~, as shown by the assessment rolls of the last assessment preceding the filing of the petition,~~ for termination of the program and repeal of the license fee, in which event the program shall by order of the board of county commissioners be disestablished and the license fee shall not be further levied.

(2) If the resident owners of at least 51% of the sheep in the county either petition for an increase in the license fee or petition for a decrease in the license fee then in force, the board of county commissioners shall upon receipt of any such petition fix a new license fee to continue from year to year and the program shall thereupon continue within the limits of the aggregate amount of the license fee as collected from year to year."

Section 19. Section 81-8-804, MCA, is amended to read:

"81-8-804. Assessments — refunds. (1) There is levied~~, in addition to the tax on livestock prescribed in Title 15, chapter 24, part 9,~~ a

per head tax of 25 cents on each head of cattle that ~~is more than 9 months of age and~~ is owned or possessed within a county for the support and maintenance of research into beef production as provided in this part. The tax shall be paid to the county treasurer of that county on or before March 1 of each year.

(2) The tax required in subsection (1) must be paid for each head of cattle that ~~is more than 9 months of age and~~ is brought into the county after March 1 ~~and is subject to taxation and assessment under 15-24-301~~.

(3) Each county is entitled to receive $250 annually as reimbursement for the administration of this section.

(4) A person who has paid the tax required by this section may obtain a refund of the tax upon submission of a written request to the department. The application must be made within 30 days after the payment of the tax and on forms furnished by the department. The department shall, upon receipt of a timely and otherwise properly submitted refund request, refund the tax.""

Renumber: subsequent sections

35. Page 23, line 13.
Following: "~~15-24-911,~~"
Insert: "15-24-901 through 15-24-906, 15-24-908 through 15-24-911,"

36. Page 23, line 14.
Strike: "AND"
Insert: ","

37. Page 23, line 15.
Following: "~~81-7-118,~~"
Insert: "15-24-926, 15-24-931, 15-24-941 through 15-24-943, and 81-7-118,"

And that this Conference Committee Report be adopted.

For the Senate:	For the House:
Severson, Chairman	Switzer, Chairman
Hager	Koehnke
Hirsch	Patterson

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

HJR 51, introduced by Winslow.

HJR 56, introduced by Gilbert.

HJR 57, introduced by Fritz.

HJR 58, introduced by Asay.

Governor's amendments to Senate bill concurred in and returned to the Senate:

SB 170, introduced by Rasmussen.

Free Conference Committee Report rejected:

HB 796, Free Conference Committee Report No. 2.

The House, on 4/20/87, acceded to the request of the Senate and authorized the Speaker to appoint a Free Conference Committee to meet with a like committee of the Senate to confer on SB 74.

The Speaker appointed the following members:

Representative Ellison
Representative Hoffman
Representative Koehnke

The House, on 4/20/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on House amendments to SB 340.

The Speaker appointed the following members:

Representative Switzer
Representative Patterson
Representative Koehnke

The House, on 4/16/87, acceded to the request of the Senate and authorized the Speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on House amendments to SJR 14.

The Speaker appointed the following members:

Representative Ramirez
Representative Wallin
Representative D. Brown

The House, on 4/20/87, dissolved the Conference Committee on Senate amendments to HB 256, requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 256.

The Speaker appointed the following members:

Representative Roth
Representative Campbell
Representative Pistoria

The House, on 4/20/87, dissolved the Conference Committee on Senate amendments to HB 459, requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 459.

The Speaker appointed the following members:

Representative Phillips
Representative Roth
Representative Keenan

The House, on 4/20/87, failed to concur in Senate amendments to HB 726 and authorized the Speaker to appoint a Free Conference Committee requesting the Senate to appoint a like committee to confer on HB 726.

The Speaker appointed the following members:

Representative Sands
Representative Mercer
Representative Spaeth

The House, on 4/20/87, failed to concur in Senate amendments to HB 754 and authorized the Speaker to appoint a Free Conference Committee requesting the Senate to appoint a like committee to confer on HB 754.

The Speaker appointed the following members:

Representative Iverson
Representative Thoft
Representative Spaeth

The House, on 4/20/87, failed to concur in Senate amendments to HB 867 and authorized the Speaker to appoint a Conference Committee requesting the Senate to appoint a like committee to confer on HB 867.

The Speaker appointed the following members:

Representative Rehberg
Representative Gould
Representative Vincent

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on Senate amendments to HB 233. Motion carried.

The President appointed the following members:

Senator Walker, Chairman
Senator Regan
Senator Rasmussen

Senator Van Valkenburg moved that the President be authorized to appoint a Conference Committee to meet with a like committee from the House to confer on House amendments to SB 390. Motion carried.

The President appointed the following members:

Senator McCallum, Chairman
Senator Eck
Senator Farrell

Senator Van Valkenburg moved that the Conference Committee on HB 241 be dissolved and that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 241. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Pinsoneault
Senator Thayer

Senator Van Valkenburg moved that the Senate reconsider its previous action in adopting the Conference Committee Report on HB 459 and that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 459. Motion carried.

The President appointed the following members:

Senator Lynch, Chairman
Senator Kolstad
Senator Farrell

Senator Van Valkenburg moved that the Free Conference Committee on HB 796 be dissolved and that the President be authorized to appoint a new Free Conference Committee to meet with a like committee of the House to confer on HB 796. Motion carried.

The President appointed the following members:

Senator Lynch, Chairman
Senator Crippen
Senator McLane

Senator Bishop moved that the Senate temporarily suspend the rules to allow introduction of HJR 59 in the Senate. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hofman, Jergeson, Keating, Kolstad, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 40

Noes: Aklestad, Himsl, Hirsch, Lybeck, Neuman, Van Valkenburg.
Total 6

Excused: None.
Total 0

Absent or not voting: Brown, Jacobson, Lynch, Thayer.
Total 4

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Neuman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 74 - Senator Mazurek moved that the Free Conference Committee Report on SB 74 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 889 - Senator Jergeson moved that HB 889 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206 - Senator Boylan moved that the Free Conference Committee Report on HB 206 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Farrell, Galt, Halligan, Hammond, Jacobson, Keating, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Severson, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Williams, Mr. President.
Total 27

Noes: Bishop, Blaylock, Brown, Crippen, Eck, Gage, Hager, Harding, Himsl, Hirsch, Hofman, Jergeson, Lybeck, Mazurek, Rasmussen, Regan, Van Valkenburg, Weeding.
Total 18

Excused: None.
Total 0

Absent or not voting: Haffey, Kolstad, McCallum, Smith, Yellowtail.
Total 5

HB 721 - Senator Blaylock moved that the Free Conference Committee Report on HB 721 be rejected. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 50 - Senator Brown moved that HJR 50 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: Thayer.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 54 - Senator Brown moved that HJR 54 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Neuman moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 64, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SJR 13 passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SJR 8, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 627 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Beck, Hammond, McCallum, Thayer.
Total 5

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 256, Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Manning, Neuman.

Total 2

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 102, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 277, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 583, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 623, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Hager, Tveit.
Total 2

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 658, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Bishop, Severson, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 52 concurred in as follows:

Ayes: Anderson, Beck, Bishop, Boylan, Brown, Crippen, Farrell, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Keating, Kolstad, Lybeck, Lynch, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 31

Noes: Abrams, Aklestad, Bengtson, Blaylock, Eck, Gage, Galt, Hammond, Hirsch, Jacobson, Jergeson, Manning, McCallum, Neuman, Regan, Stimatz, Tveit, Van Valkenburg, Weeding.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 53 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Aklestad, Bengtson, Hammond, Himsl, McCallum, Neuman, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 252
Report No. 1, April 21, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 252, met and considered:

The Governor's amendments to House Bill No. 252

We recommend as follows:

That the Governor's amendments be adopted:

1. Title, lines 6 through 8.
Following "RATES;" on line 6
Strike: remainder of line 6 through "PURCHASED;" on line 8
Insert: "PROVIDING A CONTINGENT PERMANENT REDUCTION; EXTENDING THE NEW PRODUCTION CREDIT;"

2. Title, line 10.
Following: "15-35-104"
Strike: "AND"
Insert: ","
Following: "15-35-202"
Strike: "THROUGH 15-35-204"
Insert: ", AND 15-35-203"

3. Page 3, line 25.
Following: "(2)"
Insert: "(a)"
Following: "purchaser"
Insert: ", except as provided in subsection (2)(b),"

4. Page 4.
Following: line 1
Strike: "(a)"
Insert: "(i)"

5. Page 4.
Following: line 4

Strike: "(b)"
Insert: "(ii)"

6. Page 4.
Following: line 5
Strike: "(i)"
Insert: "(A)"

7. Page 4.
Following: line 8
Strike: "(ii)"
Insert: "(B)"

8. Page 4.
Following: line 16
Insert: "(b) If the volume calculated in subsection (2)(a)(i) is less than one-third of the volume calculated in subsection (2)(a)(ii), the base consumption level is the volume calculated in subsection (2)(a)(ii)."

9. Page 4, line 17.
Following: "(3)"
Insert: "(a)"
Strike: ""Base"
Insert: "Except as provided in subsection (3)(b), "base"

10. Page 4.
Following: line 18
Strike: "(a)"
Insert: "(i)"

11. Page 4.
Following: line 21
Strike: "(b)"
Insert: "(ii)"

12. Page 4.
Following: line 23
Insert: "(b) If the amount calculated in subsection (3)(a)(ii) is less than one-third of the amount calculated in subsection (3)(a)(i), the base production level is the amount calculated in subsection (3)(a)(i)."

13. Page 6.
Following: line 12
Strike: subsection (9) in its entirety
Renumber: subsequent subsections

14. Page 7.
Following: line 4
Strike: subsection (14) in its entirety
Renumber: subsequent subsections

15. Page 7, line 18 through line 19, page 9.
Strike: section 3 in its entirety
Insert: "Section 3. Section 15-35-103, MCA, is amended to read:

"15-35-103. Severance tax — rates imposed — exemptions. (1) ~~A~~ Except as provided in subsection (2), a severance tax is imposed on each ton of coal produced in the state in accordance with the following schedule:

(a) Fiscal Years 1988 and 1989:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 20% of value	5 cents or 3% of value
7,000-8,000	22 cents or 30% of value	8 cents or 4% of value
8,000-9,000	34 cents or 30% of value	10 cents or 4% of value
Over 9,000	40 cents or 30% of value	12 cents or 4% of value

(b) Fiscal Year 1990:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 25% of value	8 cents or 4% of value
8,000-9,000	34 cents or 25% of value	10 cents or 4% of value
Over 9,000	40 cents or 25% of value	12 cents or 4% of value

(c) Fiscal Year 1991 and Thereafter:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 20% of value	8 cents or 4% of value
8,000-9,000	34 cents or 20% of value	10 cents or 4% of value
Over 9,000	40 cents or 20% of value	12 cents or 4% of value

(2)(a)(i) On or before October 1, 1988, the department shall determine the total number of tons of coal produced in Montana and sold from July 1, 1987, through June 30, 1988. If the department finds that these sales exceed 32.2 million tons (which is the average total yearly coal sales for calendar years 1983, 1984, 1985, and 1986), the rate of the coal severance tax is as set forth in subsections (2)(b) through (2)(d).

(ii) If any facility that burned Montana coal at any time from July 1, 1987, to June 30, 1988, does not operate during a portion of that period due to mechanical failure or catastrophic act of God, the department shall determine the average monthly sales of Montana coal to the facility during its operation and multiply this figure by 12. The department shall include the product of this calculation in making its determination of coal produced in Montana and sold from July 1, 1987, through June 30, 1988.

(b) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state from July 1, 1988, through June 30, 1990, is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 17% of value	5 cents or 3% of value
7,000-8,000	22 cents or 25% of value	8 cents or 4% of value
8,000-9,000	34 cents or 25% of value	10 cents or 4% of value
Over 9,000	40 cents or 25% of value	12 cents or 4% of value

(c) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state from July 1, 1990, through June 30, 1991, is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 20% of value	8 cents or 4% of value
8,000-9,000	34 cents or 20% of value	10 cents or 4% of value
Over 9,000	40 cents or 20% of value	12 cents or 4% of value

(d) The severance tax imposed pursuant to subsection (2)(a) on each ton of coal produced in the state after June 30, 1991, is:

Heating quality (Btu per pound of coal):	Surface Mining	Underground Mining
Under 7,000	12 cents or 13% of value	5 cents or 3% of value
7,000-8,000	22 cents or 15% of value	8 cents or 4% of value
8,000-9,000	34 cents or 15% of value	10 cents or 4% of value
Over 9,000	40 cents or 15% of value	12 cents or 4% of value

(3) "Value" means the contract sales price.

~~(2)~~(4) The formula which yields the greater amount of tax in a particular case shall be used at each point on ~~this schedule~~ these schedules.

~~(3)~~(5) A person is not liable for any severance tax upon 50,000 tons of the coal he produces in a calendar year, except that if he produces more than 50,000 tons of coal in a calendar year, he will be liable for severance tax upon all coal produced in excess of the first 20,000 tons.

~~(4)~~(6) A new coal production incentive tax credit may be claimed on certain coal as provided in 15-35-202.""

16. Page 9, line 20 through line 19, page 10.
Strike: section 4 in its entirety
Renumber: subsequent sections

17. Page 11, line 15 through line 9, page 12.
Strike: section 6 in its entirety
Insert: "Section 5. Section 15-35-202, MCA, is amended to read:

"15-35-202. New coal production incentive tax credit allowed — application limited. (1) A coal mine operator is entitled to a new coal production incentive tax credit ~~of 33 1/3% of~~ against the tax imposed under 15-35-103 ~~on any~~ of:

(a) 33 1/3% for incremental production ~~produced and~~ sold during calendar years 1985 and 1986~~.~~;

(b) 50% for incremental production sold from January 1, 1987, until June 30, 1988; and

(c) 40% for incremental production sold from July 1, 1988, until June 30, 1990; provided, however, that if the production quota established in 15-35-103 (2)(a)(i) is not met, the tax credit for this period is 50% for fiscal year 1989 and 40% for fiscal year 1990,

(2) (a) A coal mine operator is entitled to a new coal production incentive tax credit ~~of 33 1/3% of~~ against the tax imposed under 15-35-103 on incremental production for the entire term of an agreement, except as provided in subsection (3), if the incremental production resulted from coal purchases under:

~~(a)~~(i) an existing agreement which was extended between January 1, 1985, and ~~June 30, 1987~~ December 31, 1988, for at least a 5-year period; or

~~(b)~~(ii) a new agreement that was executed between January 1, 1985, and ~~June 30, 1987~~ December 31, 1988.

(b) The rate of credit allowed under subsection (2)(a) is:

(i) 33 1/3% for incremental production sold from January 1, 1985, until December 31, 1986;

(ii) 50% for any incremental production sold from January 1, 1987, until June 30, 1988;

(iii) 40% for any incremental production sold from July 1, 1988, until June 30, 1990. However, if the production quota established in 15-35-103 (2)(a)(i) is not met, the tax credit for this period is 50% for fiscal year 1989 and 40% for fiscal year 1990.

(iv) 25% for any incremental production sold from July 1, 1990, until June 30, 1991; and

(v) 25% after June 30, 1991, if the production quota in 15-35-103 (2)(a)(i) has not been met.

(3) No credit may be claimed for coal produced prior to January 1, 1985.""

18. Page 12.
Following: line 17
Insert: "(b) distributing the incremental production among the quarters in the calendar year in the same proportion as the total volume of coal sold each quarter to each respective purchaser and summing the amounts for all purchasers to determine the coal mine operator's incremental production for each quarter;"
Renumber: subsequent subsections

19. Page 12, line 20.
Following: "purchaser"
Insert: "each quarter"

20. Page 12.
Following: line 22
Strike: "calendar year"
Insert: "quarter"

21. Page 12.
Following: line 24
Strike: "33 ⅓%"
Insert: "the appropriate percentage as provided in 15-35-202 for each quarter"

22. Page 13, line 2.
Following: "purchasers"
Insert: "for all four quarters of the calendar year"

23. Page 13, lines 8 and 9.
Following: "year." on line 8
Strike: remainder of line 8 through "subsection." on line 9

24. Page 14, line 4.
Strike: section 8 in its entirety
Renumber: subsequent sections

25. Page 16, line 8.
Following: "Applicability."
Strike: remainder of section 10 in its entirety
Insert: "Sections 2 and 5 apply retroactively, within the meaning of 1-2-109, to tax periods beginning after December 31, 1986."

And that this Free Conference Committee Report be adopted.

For the Senate:

Galt, Chairman
Hirsch
Van Valkenburg

For the House:

Marks, Chairman
Hanson

Free Conference Committee
on House Bill No. 796
Report No. 3, April 21, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 796, met and considered:

House Bill No. 796

We recommend as follows:

That HB 796, reference copy, be amended as follows:

1. Senate Committee of the Whole amendments, dated 3/25/87, (11:45).
Strike: amendments in their entirety

2. Title, line 6.
Following: "BINGO"
Insert: "OR KENO"

3. Title, line 7.

Following: "BINGO"
Insert: "OR KENO"

4. Title, line 9.
Following: "DATES"
Insert: "AND A TERMINATION DATE"

5. Page 1, line 16.
Following: ""Bingo"
Insert: "or keno"

6. Page 1, line 18.
Following: "bingo"
Insert: "or keno"

7. Page 2, line 1.
Following: ""bingo"
Insert: "or "keno""

8. Page 2, line 7.
Following: "bingo"
Insert: "or keno"

9. Page 2, line 15.
Following: "bingo"
Insert: "or keno"

10. Page 2.
Following: line 20
Insert: "Section 2. Section 23-5-414, MCA, is amended to read:

"23-5-414. Restrictions on bingo, keno, and raffles — bingo or keno machines in establishment — limit — exception — hours of operation. (1) In the playing of bingo or keno, no person who is not physically present on the premises where the game is actually conducted shall be allowed to participate as a player in the game.

(2) Raffles authorized by this part shall be restricted to events and participants within the geographic confines of the state of Montana.

(3) No establishment may receive licenses for, under 23-5-421, or make available for play more than 40 bingo or keno machines.""
Renumber: subsequent sections

11. Page 2, line 22.
Following: "bingo"
Insert: ", keno,"
Following: "bingo"
Insert: "or keno"

12. Page 2, line 24.
Following: "bingo"
Insert: "or keno"

13. Page 3, line 7.
Strike: "10"
Insert: "15"
Following: "bingo"
Insert: "or keno"

14. Page 3, line 8.
Strike: "UNLESS OTHERWISE DETERMINED BY"
Insert: ". A"

15. Page 3, line 9.
Strike: "BUT NO MORE THAN 10"
Insert: "however, may restrict the number of licensed machines available for play in an establishment to less than 15, but must allow at least 5"

16. Page 3, line 16.
Following: "(4)" (renumbered)
Strike: "An"
Insert: "(a) Except as provided in subsection (4)(b), an"

17. Page 3, line 17.
Following: "bingo"
Insert: "or keno"

18. Page 3, line 23.
Strike: ", UNLESS OTHERWISE DETERMINED BY"
Insert: ".

(b) A"

19. Page 3, line 24.
Strike: ", BUT THE" through "16-3-304" on line 25
Insert: "may establish any hours of play for bingo or keno machines that it determines proper"

20. Page 4, line 3.
Following: "."
Insert: "(1)"

21. Page 4, line 9.
Strike: "and"
Insert: ". (2) Except as provided in subsection (3),"

22. Page 4, line 13.
Strike: ", UNLESS" through "BODY" on line 14

23. Page 4, line 14.
Following: "."
Insert: "(3) A local governing body may establish any hours of play for video draw poker machines that it determines proper.

(4)"

24. Page 4, line 22.
Following: "DATES"
Insert: "— termination date"

25. Page 4, line 24.
Strike: "on passage and approval"
Insert: "July 1, 1988"

26. Page 4, line 25.
Strike: "SECTION" through "EFFECTIVE"
Insert: "Section 2 is effective July 1, 1987, and terminates"

And that this Free Conference Committee Report No. 3 be adopted.

For the Senate:	For the House:
Lynch, Chairman	Driscoll, Chairman
Crippen	Gould
McLane	Mercer

MOTIONS

Senator Jergeson moved that the Senate temporarily suspend the rules to place HB 889 on third reading this legislative day. Motion carried.

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on HB 721. Motion carried.

The President appointed the following members:

Senator Blaylock, Chairman
Senator Story
Senator Haffey

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on HB 867. Motion carried.

The President appointed the following members:

Senator Haffey, Chairman
Senator Thayer
Senator Manning

Senator Van Valkenburg moved that the Senate recess until 1:30 p.m. Motion carried.

Senate recessed at 10:56 a.m.

Senate reconvened at 1:33 p.m.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 721
Report No. 2, April 21, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 721, met and considered:

Senate State Administration Committee amendments

Senate Committee of the Whole amendments

We recommend as follows:

That House Bill No. 721, reference copy, be amended as follows:

1. Title, line 11.
Strike: "95"
Insert: "100"

2. Page 2, line 5.
Strike: "95"
Insert: "100"

3. Page 2, line 20.
Following: "~~legislature.~~"
Insert: "No bill introduced in one session may be carried over to any other session of that legislature."

4. Page 2, lines 21 and 22.
Following: "LEGISLATION" on line 21

Insert: "unrelated to the subject"
Following: "SESSION" on line 21
Strike: "UNRELATED TO THE SUBJECT"

And that this Free Conference Committee Report No. 2 be adopted.

For the Senate:	For the House:
Blaylock, Chairman	Vincent, Chairman
Story	Thomas
Haffey	Peterson

MESSAGES FROM THE GOVERNOR

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

April 21, 1987

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 39, "AN ACT TRANSFERRING GOVERNANCE OF THE POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS TO THE BOARD OF REGENTS OF HIGHER EDUCATION; RENAMING POSTSECONDARY VOCATIONAL-TECHNICAL CENTERS AS VOCATIONAL-TECHNICAL CENTERS; ALLOWING FOR A VOTE FOR AN ADDITIONAL LEVY TO SUPPORT A CENTER; REQUESTING THE BOARD OF REGENTS TO REPORT TO THE 51ST LEGISLATURE ON POSSIBLE REORGANIZATION OF POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION; APPROPRIATING MONEY FROM THE LOCAL IMPACT AND EDUCATION TRUST FUND ACCOUNT TO THE BOARD OF REGENTS TO HELP FUND THE VOCATIONAL-TECHNICAL CENTERS; AMENDING SECTIONS 19-4-302, 20-1-101, 20-3-103, 20-3-106, 20-6-501, 20-7-301, 20-7-302.1, 20-7-303, 20-7-311, 20-7-312, 20-7-314, 20-7-322, 20-7-324, 20-7-325, 20-7-327, 20-7-332, 20-7-333, 20-9-403, 20-9-513, 39-71-118, AND 90-6-211, MCA; REPEALING SECTIONS 20-7-304, 20-7-313, 20-7-323, 20-7-326, AND 20-7-331, MCA; AND PROVIDING AN EFFECTIVE DATE," without my signature and recommend the attached amendments, which have been concurred in by the bill's chief sponsor, for the following reasons.

House Bill No. 39 transfers the responsibility for operating the state's vocational-technical centers and administering certain other postsecondary vocational education programs from the Superintendent of Public Instruction to the Board of Regents. However, section 17 of the bill does not make it clear that the Board of Regents' authority to direct the state treasurer to disburse vocational-technical education funds extends to funds received for those programs under the Board's control but which are taught outside of vocational-technical centers. My second amendment will clarify this matter.

Under House Bill No. 39 vocational-technical centers will continue to be funded, in part, by a one and one-half mill levy imposed in the counties in which the centers are located. However, the bill, if implemented in its

present form, will interrupt the local budgeting cycle and deprive the centers of this local contribution for the 1988 school fiscal year. My third and fourth amendments will provide for a smooth transition in local funding for the centers and eliminate the need for school districts in which voters have approved an additional mill levy to support a center before the bill takes effect to hold a second election on the same question.

My first amendment, addressing a minor drafting oversight, simply includes kindergarten within the definition of "K-12 vocational education."

I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S PROPOSED AMENDMENTS
TO HOUSE BILL 39
(Reference Copy)
April 21, 1987

1. Page 9, line 24.
Following: "school"
Strike: "grades 1"
Insert: "kindergarten"
Following: "through"
Insert: "grade"

2. Page 31, line 1.
Following: "education"
Insert: "and for vocational education other than K-12 vocational education"

3. Page 32, line 4.
Following: "FOR"
Strike: "THE TAXABLE YEAR"
Insert: "property tax years"
Following: "JANUARY 1,"
Strike: "1988"
Insert: "1987"
Following: "."
Insert: "It is the intent of this subsection (b) that the county commissioners shall levy this tax for fiscal year 1988 operation of the vocational-technical system and thereafter."

4. Page 42.
Following: line 24
Insert: "(4) For school fiscal year 1988, if the trustees of a school district that operated a vocational-technical center prior to July 1, 1987, have adopted a budget in excess of that appropriated by the legislature and have submitted the proposition for an additional levy to the qualified electors of the district and if the electors have approved the proposition as provided for in former 20-7-326, MCA, then the trustees need not submit the proposition to the electors at an additional election following approval of the budget by the board of regents as provided for in subsection (2)."

MESSAGES FROM THE OTHER HOUSE

Conference Committee Reports adopted:

SB 219, Conference Committee Report.

SB 298, Conference Committee Report.

SB 331, Conference Committee Report.

SB 360, Conference Committee Report.

SB 363, Conference Committee Report.

The House, on 4/16/87, acceded to the request of the Senate authorizing the Speaker to appoint a Free Conference Committee to meet with a like committee of the Senate to confer on SB 48.

The Speaker appointed the following members:

Representative Lory
Representative Keller
Representative Addy

The House, on 4/21/87, acceded to the request of the Senate authorizing the Speaker to appoint a Free Conference Committee to meet with a like committee of the Senate to confer on SB 71.

The Speaker appointed the following members:

Representative Ramirez
Representative Gilbert
Representative Kadas

MOTIONS

Senator Mazurek moved that the Senate reconsider its action in adopting the Free Conference Committee Report on SB 74 and place it on second reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hager, Rasmussen.
Total 2

Senator Van Valkenburg moved that the Conference Committee on Senate amendments to HB 233 be dissolved and that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on HB 233. Motion carried.

The President appointed the following members:

Senator Walker, Chairman
Senator Rasmussen
Senator Regan

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to place the Free Conference Committee Report on HB 252 and the Free Conference Committee Report on HB 796 on second reading this day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Neuman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 74 - Senator Mazurek moved that the Free Conference Committee Report on SB 74 be rejected. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 252 - Senator Galt moved that the Free Conference Committee Report on HB 252 be adopted. Senator Lybeck made a substitute motion that the Free Conference Committee Report on HB 252 be rejected. Substitute motion failed as follows:

Ayes: Blaylock, Jergeson, Lybeck, Regan, Mr. President.
Total 5

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 44

Excused: None.
Total 0

Absent or not voting: Farrell.
Total 1

Senator Galt's motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman,

Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 46

Noes: Lybeck, Regan, Mr. President.
Total 3

Excused: None.
Total 0

Absent or not voting: Farrell.
Total 1

HB 796 - Senator Lynch moved that the Free Conference Committee Report No. 3 on HB 796 be adopted. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Halligan, Harding, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Neuman, Rasmussen, Regan, Severson, Stimatz, Van Valkenburg, Walker, Weeding, Williams, Mr. President.
Total 31

Noes: Aklestad, Beck, Farrell, Gage, Galt, Hammond, Himsl, Hirsch, Hofman, Kolstad, McCallum, Meyer, Pinsoneault, Smith, Story, Thayer, Tveit, Vaughn, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Neuman moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/21/87

Examined by the sponsors and found to be correct:

SB 22	Van Valkenburg
SB 118	Halligan
SB 190	Lybeck
SB 210	Keating
SB 279	Keating

Signed by the President at 10:30 a.m., 4/21/87:

HB 84	HB 455	HB 526	HB 599
HB 656	HB 887		

Signed by the President at 10:40 a.m., 4/21/87:

SB 22	SB 118	SB 190	SB 210
SB 279			

Report adopted.

FINANCE AND CLAIMS (Regan, Chairman) 4/21/87

Senator Bill Norman
President of the Senate

Montana State Senate
Helena, MT 59620

Dear President Norman:

I appoint the following four members to the Legislative Finance Committee:

Senator Himsl
Senator Story
Senator Haffey
Senator Regan

Senator Pat Regan, Chairman
Senate Finance and Claims Committee

Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 459
Report No. 1, April 20, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 459, met and considered:

House Bill No. 459

We recommend as follows:

That House Bill No. 459, reference copy, be amended as follows:

1. Title, lines 17 and 18.
Strike: "ALLOWING" through "MAIL;"

2. Title, line 20.
Strike: "13-19-104,"

3. Page 8, line 13 through line 3, page 10.
Strike: section 8 in its entirety
Renumber: subsequent sections

4. Page 12, line 20.
Strike: "8 THROUGH 11, 13, AND 14"
Insert: "10, 12, and 13"

5. Page 12, line 25.
Strike: "NOVEMBER 15"
Insert: "August 1"

6. Page 13, line 2.
Strike: "12"
Insert: "11"

And that this Free Conference Committee Report be adopted.

For the Senate:

Lynch, Chairman
Kolstad
Farrell

For the House:

Phillips, Chairman
Roth
Keenan

Conference Committee
on House Bill No. 861
Report No. 1, April 21, 1987

Mr. President:

We, your Conference Committee on House Bill No. 861, met and considered:

Senate amendments to House Bill No. 861

Committee of the Whole amendment to House Bill No. 861

We recommend as follows:

That Senate amendments to House Bill No. 861 be concurred in.

And that this Conference Committee Report be adopted.

For the Senate:

Mazurek, Chairman
Thayer

For the House:

Sands, Chairman
Simon

MOTIONS

Senator Blaylock moved that the Senate temporarily suspend the rules to place the Free Conference Committee Report on HB 721 on second reading this day. Motion carried.

Senator Van Valkenburg moved that the Senate recess until 4:30 p.m. Motion carried.

Senate recessed at 2:40 p.m.

Senate reconvened at 4:31 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/21/87

Signed by the President at 1:42 p.m., 4/21/87:
HB 325
Delivered to the Governor at 2:55 p.m., 4/21/87:
SB 22 SB 118 SB 190 SB 210
SB 279

Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 233
Report No. 1, April 21, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 233, met and considered:

House Bill No. 233

We recommend as follows:

That House Bill No. 233, reference copy, be amended as follows:

1. Page 1, line 21.
Following: "compensation"
Insert: "unless the person changes positions or successfully completes a probationary period"

And that this Free Conference Committee Report be adopted.

For the Senate:

For the House:

Walker, Chairman
Regan
Rasmussen

Phillips, Chairman
Bardanouve
Compton

Free Conference Committee
on House Bill No. 241
Report No. 1, April 20, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 241, met and considered:

House Bill No. 241

We recommend as follows:

That House Bill No. 241, reference copy, be amended as follows:

1. Page 4, line 13.
Strike: "3"
Insert: "4"

2. Page 5, line 6.
Strike: "(4)" through "OLDER." on line 9

And that this Free Conference Committee Report be adopted.

For the Senate:

Halligan, Chairman
Thayer
Pinsoneault

For the House:

Spaeth, Chairman
Lory
Cobb

MESSAGES FROM THE OTHER HOUSE

The House, on 4/21/87, dissolved the Conference Committee on Senate amendments to HB 233, requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 233.

The Speaker appointed the following members:

Representative Phillips
Representative Compton
Representative Bardanouve

The House, on 4/21/87, dissolved the Conference Committee on Senate amendments to HB 241, requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 241.

The Speaker appointed the following members:

Representative Cobb
Representative Lory
Representative Spaeth

The House, on 4/21/87, dissolved the Conference Committee on Senate amendments to HB 867, requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 867.

The Speaker appointed the following members:

Representative Rehberg
Representative Gould
Representative Vincent

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a new Free Conference Committee to confer on SB 74. Motion carried.

The President appointed the following members:

Senator Mazurek, Chairman
Senator McCallum
Senator Brown

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on HB 256. Motion carried.

The President appointed the following members:

Senator Pinsoneault, Chairman
Senator Mazurek
Senator Lybeck

Senator Van Valkenburg moved that the Senate dissolve the Conference Committee on HB 460 and that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on HB 460. Motion carried.

The President appointed the following members:

Senator Lynch, Chairman
Senator Regan
Senator Harding

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee from the House to confer on HB 726. Motion carried.

The President appointed the following members:

Senator Jacobson, Chairman
Senator Anderson
Senator McLane

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on HB 754. Motion carried.

The President appointed the following members:

Senator Stimatz, Chairman
Senator Kolstad
Senator Bengtson

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill No. 74
Report No. 2, April 21, 1987

Mr. President:

We, your Free Conference Committee on Senate Bill No. 74, met and considered:

Senate Bill No. 74

We recommend as follows:

That Senate Bill No. 74, reference copy, be amended as follows:

1. Page 6, line 12.
Following: "(2)(F)"
Insert: ", (2)(h), or (2)(i)"

2. Page 6, line 15.
Following: "(2)(F)"
Insert: ", (2)(h), or (2)(i)"

3. Page 11, line 3.
Following: "(2)(K)"
Insert: ", (2)(m), or (2)(n)"

4. Page 11, line 5.
Following: "(2)(K)"
Insert: ", (2)(m), or (2)(n)"

And that this Free Conference Committee Report No. 2 be adopted.

For the Senate:	For the House:
Mazurek, Chairman	Ellison, Chairman
McCallum	Koehnke
Brown	Hoffman

Free Conference Committee
on House Bill No. 867
Report No. 1, April 21, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 867, met and considered:

House Bill No. 867

We recommend as follows:

That House Bill No. 867, reference copy, be amended as follows:

1. Page 2, line 18.
Following: "~~(1)~~"
Insert: "(1)"

2. Page 3, line 6.
Strike: "(1)"
Insert: "(a)"
Following: "1988"
Insert: "unless Montana is still in consideration for this site"
Following: ";"
Insert: "and"

3. Page 3, line 7.
Strike: "(2)"
Insert: "(b)"
Following: "BEEN"
Insert: "at least"

4. Page 3, lines 8 through 10.
Following: "SPENT" on line 8

Strike: remainder of line 8 through "SITE" on line 10

5. Page 3, line 10.
Following: "."
Strike: "ANY"
Insert: "(2) If Montana is no longer in consideration for this site, any"
Following: "BALANCE"
Insert: "of the $300,000 appropriation"

6. Page 3.
Following: line 11
Insert: "(3) The appropriation in subsection (1) includes additional spending authority for any amount of matching funds donated by the public."

7. Page 3.
Following: line 18
Insert: "Section 2. Procurement of services. The appropriation in section 1 may be expended for sole source procurement of necessary services whenever the time constraints imposed by the U.S. department of energy make such procurement necessary."
Renumber: subsequent section

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Haffey, Chairman	Gould, Chairman
Manning	Rehberg
Thayer	Vincent

MOTIONS

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to place the new Free Conference Committee Report No. 2 on SB 74 on second reading this day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Neuman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 721 - Senator Blaylock moved that the Free Conference Committee Report on HB 721 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 3 - Senator Keating moved that House amendments to SB 3 be concurred in. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Lynch, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Tveit.
Total 23

Noes: Abrams, Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Farrell, Kolstad, Thayer.
Total 3

SB 74 - Senator Mazurek moved that the new Free Conference Committee Report on SB 74 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Neuman moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 889 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.

Total 43

Noes: Beck, Boylan, Himsl, Keating, Neuman, Story.
Total 6

Excused: None.
Total 0

Absent or not voting: Farrell.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 4.

MESSAGES FROM THE GOVERNOR

The Honorable Bill Norman, President
Montana State Senate
State Capitol
Helena, Montana 59620

April 21, 1987

Dear Senator Norman:

I respectfully submit for confirmation by the Montana State Senate, the following list of appointments:

Ms. M.M. "Peg" Hartman, as commissioner of the Department of Labor and Industry, in accordance with Section 2-15-1701, MCA.

Mr. Eugene Huntington, as director of the Department of Family Services, in accordance with HB 325, of the 1987 Legislature.

Judge Russell C. McDonough, Glendive, nominated to fill the vacancy on the Montana Supreme Court, created by the resignation of Justice Frank B. Morrison, in accordance with Article 7, Section 8 of the Montana Constitution.

Sincerely,

Ted Schwinden
Governor

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 10:00 a.m., April 22, 1987.

Motion carried.

Senate adjourned at 5:18 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

EIGHTY-NINTH LEGISLATIVE DAY

Helena, Montana
April 22, 1987

Senate Chambers
State Capitol

Senate convened at 10:05 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Monson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-eighth legislative day, find the same to be correct.

Galt, Chairman

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/22/87
Correctly enrolled:
SB 170 SB 200
Correctly enrolled: 4/21/87
SB 298 SR 5
Examined by the sponsors and found to be correct:
SB 100 Abrams
SB 298 Neuman
SR 5 Haffey
Signed by the President at 4:20 p.m., 4/21/87:
SB 100
Signed by the President at 4:55 p.m., 4/21/87:
SB 298 SR 5
Signed by the President at 5:15 p.m., 4/21/87:
HB 776
Delivered to the Governor at 8:35 a.m., 4/22/87:
SB 100
Delivered to the Secretary of State at 8:34 a.m., 4/22/87:
SR 5

Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill No. 48
Report No. 1, April 21, 1987

Mr. President:

We, your Free Conference Committee on Senate Bill No. 48, met and considered:

Senate Bill No. 48

We recommend as follows:

That Senate Bill No. 48, reference copy, be amended as follows:

1. Title, line 9.
Strike: "$50,000"
Insert: "$100,000"

2. Page 1, line 15.
Strike: "5"

Insert: "6"

3. Page 1, line 18.
Following: "earnings,"
Strike: "loss of bodily function,"

4. Page 1, lines 20 and 21.
Following: "money" on line 20
Strike: remainder of line 20 through "property" on line 21

5. Page 1.
Following: line 22
Insert: "Section 2. Findings by trier of fact — civil actions. In any action for personal injury, property damage, or wrongful death where liability is found after trial and in which $100,000 or more in future damages is awarded to the claimant, the trier of fact shall make a separate finding as to the amount of any future damages so awarded and state whether the amount of future damages has been reduced to present value."
Renumber: subsequent sections

6. Page 1, line 25.
Strike: "$50,000"
Insert: "$100,000"

7. Page 2, line 9.
Strike: "THEY REPRESENT"

8. Page 2, lines 16 through 23.
Following: "CLAIMANT." on line 16
Strike: remainder of lines 16 through 23

9. Page 5, line 6.
Strike: "5"
Insert: "6"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Halligan, Chairman	Lory, Chairman
Mazurek	Keller
Crippen	Addy

Free Conference Committee
on Senate Bill No. 71
Report No. 1, April 20, 1987

Mr. President:

We, your Free Conference Committee on Senate Bill No. 71, met and considered:

Senate Bill No. 71

We recommend as follows:

That Senate Bill No. 71, reference copy, be amended as follows:

1. Page 7.
Following: line 18
Insert: "(10) The limitation on the amount of taxes levied does not apply to levies required to address the funding of relief of suffering of inhabitants caused by famine, conflagration, or other public calamity."

And that this Free Conference Committee Report be adopted.

For the Senate:

Blaylock, Chairman
Beck
Gage

For the House:

Ramirez, Chairman
Gilbert
Kadas

Free Conference Committee
on House Bill No. 460
Report No. 1, April 21, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 460, met and considered:

House Bill No. 460

We recommend as follows:

That House Bill No. 460, reference copy, be amended as follows:

1. Page 3, line 17.
Strike: "$70"
Insert: "$75"

2. Page 3, line 22.
Strike: "$25"
Insert: "$20"

3. Page 6, line 1.
Strike: "$70"
Insert: "$75"

4. Page 6, line 6.
Strike: "$25"
Insert: "$20"

And that this Free Conference Committee Report be adopted.

For the Senate:

Regan, Chairman
Lynch
Harding

For the House:

Keenan, Chairman
Eudaily
Winslow

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

HJR 59, introduced by Ramirez.

Governor's amendments concurred in and transmitted to the Senate for concurrence in Governor's amendments:

HB 570, introduced by Brandewie.

The House, on 4/21/87, acceded to the request of the Senate and authorized the speaker to appoint a Conference Committee to meet with a like committee of the Senate to confer on SB 390.

The Speaker appointed the following members:

Representative Ramirez
Representative Brandewie
Representative Driscoll

The House, on 4/21/87, dissolved the Conference Committee on Senate amendments to HB 460 requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 460.

The Speaker appointed the following members:

Representative Eudaily
Representative Winslow
Representative Keenan

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 10:14 a.m.

Senate reconvened at 11:10 a.m.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SR 6, introduced by McCallum, Lynch, Boylan. Referred to Committee on Taxation.
SR 7, introduced by Haffey, Farrell. Referred to Committee on State Administration.

The following House bills were introduced, read first time, and referred to committees:

HJR 51, introduced by Winslow, Cobb. Referred to Committee on Labor and Employment Relations.
HJR 56, introduced by Gilbert. Referred to Committee on Taxation.
HJR 57, introduced by Fritz, Winslow, Addy, Ream. Referred to Committee on Highways and Transportation.
HJR 58, introduced by Asay, Quilici, Winslow, Addy, Vincent, Wallin, Lory, Ramirez. Referred to Committee on Education and Cultural Resources.
HJR 59, introduced by Ramirez, Hannah, Addy, M. Williams, Roth, Winslow, Driscoll, Sands. Referred to Committee on Natural Resources.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Haffey, Chairman) 4/22/87
SR 7, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable William Norman April 22, 1987
President of the Senate
State Capitol
Helena, MT 59620

Dear President Norman:

This is to inform you that I signed Senate Bill No. 298 on this date.

Sincerely,

Ted Schwinden
Governor

MOTIONS

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on HB 2. Motion carried.

The President appointed the following members:

Senator Regan, Chairman
Senator Jacobson
Senator Hammond

Senator Van Valkenburg moved that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on Governor's amendments to SB 103. Motion carried.

The President appointed the following members:

Senator Hager, Chairman
Senator Lynch
Senator Neuman

Senator Van Valkenburg moved that the Conference Committee on SJR 14 be dissolved and that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on SJR 14. Motion carried.

The President appointed the following members:

Senator Yellowtail, Chairman
Senator Gage
Senator Eck

Senator Van Valkenburg moved that SB 340 be taken from second reading this day, that the Conference Committee be dissolved, and that the President be authorized to appoint a Free Conference Committee to confer on SB 340. Motion carried.

The President appointed the following members:

Senator Severson, Chairman
Senator Hirsch
Senator Hager

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to place SR 7 on second reading this day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 3 - Senator Keating moved that consideration on House amendments to SB 3 be passed. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan,

Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 861 - Senator Mazurek moved that the Conference Committee Report on HB 861 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 233 - Senator Walker moved that the Free Conference Committee Report on HB 233 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 241 - Senator Halligan moved that the Free Conference Committee Report on HB 241 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating,

Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 - Senator Lynch moved that the Free Conference Committee Report on HB 459 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 867 - Senator Haffey moved that the Free Conference Committee Report on HB 867 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SR 7 - Senator Haffey moved that SR 7 be adopted. Senator Boylan made a substitute motion that the name of Eugene Huntington be segregated from the Resolution. Senator Boylan withdrew this motion and made a substitute motion that SR 7 be amended as follows:

1. Strike: "Mr. Eugene Huntington" as Director of the Department of Family Services in accordance with HB 325 of the 1987 Legislature

Amendment failed as follows:

Ayes: Boylan, Hofman, Smith, Tveit.
Total 4

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

Senator Haffey's motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Boylan, Story.
Total 2

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 74, Free Conference Committee Report No. 2, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 206, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Farrell, Gage, Galt, Haffey, Halligan, Hammond, Himsl, Jacobson, Kolstad, Lynch, Manning, McLane, Meyer, Neuman, Pinsoneault, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Williams, Mr. President.
Total 33

Noes: Blaylock, Brown, Crippen, Eck, Hager, Harding, Hirsch, Hofman, Jergeson, Keating, Lybeck, Mazurek, McCallum, Rasmussen, Regan, Weeding, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 721, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Eck, Farrell, Gage, Galt, Haffey, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 41

Noes: Aklestad, Crippen, Hager, Hammond, Hirsch, Kolstad, McCallum, Smith, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 721 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Eck, Haffey, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 31

Noes: Aklestad, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Hirsch, Kolstad, McCallum, McLane, Meyer, Neuman, Smith, Story, Tveit, Williams.
Total 19

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 796, Free Conference Committee Report No. 3, adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Haffey, Hager, Halligan, Hammond, Harding, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 35

Noes: Aklestad, Farrell, Gage, Galt, Himsl, Hirsch, Hofman, Keating, McCallum, Meyer, Neuman, Smith, Thayer, Tveit, Yellowtail.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 252, Governor's amendments, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 46

Noes: Blaylock, Lybeck, Regan, Mr. President.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 50 concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Hofman, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 39

Noes: Aklestad, Boylan, Galt, Hammond, Himsl, Hirsch, Keating, McCallum, Smith, Thayer, Tveit.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 54 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Beck, Hammond, Himsl, Thayer, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 1:30 p.m. Motion carried.

Senate recessed at 12:06 p.m.

Senate reconvened at 1:36 p.m.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Bill No. 340
Report No. 1, April 22, 1987

Mr. President:

We, your Free Conference Committee on Senate Bill No. 340, met and considered:

House Taxation Committee amendments

House Committee of the Whole amendments

We recommend as follows:

That Senate Bill No. 340, reference copy, be amended as follows:

1. Title, line 11.
Following: "~~POULTRY,~~"
Insert: "BEES, POULTRY,"

2. Title, line 13.
Strike: "20"
Insert: "24"

3. Title, line 15.
Following: "~~POULTRY~~"
Insert: ", POULTRY, AND BEES"

4. Title, line 16.
Following: "~~POULTRY~~"
Insert: ", POULTRY, AND BEE"

5. Page 2, line 13.
Strike: ", POULTRY, BEES,"

6. Page 4, line 8.
Strike: "20"
Insert: "24"

7. Page 4, line 10.
Strike: "AND"

8. Page 4, line 15.
Following: "JANUARY 1"
Insert: ";

(f) poultry and the unprocessed products of poultry; and

(g) bees and the unprocessed product of bees"

9. Page 9, line 18.
Strike: "livestock"
Insert: "poultry and bees,"

10. Page 9, line 19.
Strike: "(EXCEPT SWINE) 9 MONTHS OF AGE OR OLDER AND ON"

11. Page 9, line 20.
Following: "OLDER"
Insert: ", and all other livestock 9 months of age or older"

12. Page 10, line 2.
Following: "swine,"
Insert: "poultry, bees,"

13. Page 10, line 20.
Following: "~~[SECTION 10]~~"
Insert: "and for reimbursement to the counties pursuant to 15-24-925 for collection of the levy"

14. Page 10, line 22.
Strike: "Transmission"
Insert: "Reimbursement to county—transmission"

15. Page 10, line 24.
Strike: "THE"
Insert: "(1) The county treasurer may withhold 2% of the money received under 15-24-921 as reimbursement to the county for the collection of the levy on livestock.

(2) Except for the amount withheld under subsection (1), the"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Severson, Chairman	Switzer, Chairman
Hager	Patterson
Hirsch	Koehnke

MOTIONS

Senator Williams moved that the Senate temporarily suspend the rules to allow introduction of SB 38 with amendments from the House. Motion failed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Eck, Farrell, Halligan, Hammond, Hirsch, Hofman, Jergeson, Kolstad,

Mazurek, McCallum, McLane, Pinsoneault, Story, Van Valkenburg, Vaughn, Weeding, Williams, Mr. President.
Total 25

Noes: Bishop, Brown, Crippen, Gage, Haffey, Harding, Jacobson, Keating, Lybeck, Lynch, Manning, Meyer, Neuman, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Walker, Yellowtail.
Total 21

Excused: None.
Total 0

Absent or not voting: Galt, Hager, Himsl, Smith.
Total 4

Senator Van Valkenburg moved that the Senate recess until 3:00 p.m. Motion carried.

Senate recessed at 1:52 p.m.

Senate reconvened at 3:03 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/22/87

Correctly enrolled:

SB 219	SB 256	SB 363	SJR 8

Examined by the sponsors and found to be correct:

SB 170	Rasmussen
SB 200	Smith
SB 219	Meyer
SB 256	Jacobson
SB 363	Jacobson
SJR 8	Keating

Signed by the President at 11:40 a.m., 4/22/87:

SB 170	SB 200

Signed by the President at 11:45 a.m., 4/22/87:

HB 163	HB 436	HB 581	HB 666
HB 703	HB 743	HB 816	HB 837
HB 863	HB 864	HB 870	HB 880
HJR 46	HJR 49		

Signed by the President at 11:50 a.m., 4/22/87:

SB 363	SJR 8

Delivered to the Governor at 5:04 p.m., 4/21/87:

SB 298

Delivered to the Governor at 2:53 p.m., 4/22/87:

SB 170	SB 200

Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman) 4/22/87

HJR 58, be concurred in. Report adopted.

NATURAL RESOURCES (Keating, Chairman) 4/22/87

HJR 59, be concurred in. Report adopted.

TAXATION (McCallum, Chairman) 4/22/87

SR 6, do pass. Report adopted.
HJR 56, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Bill Norman, President April 22, 1987

Montana State Senate
State Capitol
Helena, Montana 59620

Dear Senator Norman:

I respectfully submit for confirmation by the Montana State Senate, the following list of appointments:

As members of the Board of Investments in accordance with SB 298 of the 1987 Legislature.

Mr. Robert L. Batista, Great Falls, Montana 59401, appointed for a term ending 1/2/89.

Mr. Steve Brown, Helena, Montana 59601, appointed for a term ending 1/1/91.

Mr. James William Kearns, Jr., Townsend, Montana 59644, appointed for a term ending 1/2/89.

Ms. Patrice B. LaTourelle, Whitefish, Montana 59937, appointed for a term ending 1/2/89.

Mr. Joel T. Long, Billings, Montana 59106, appointed for a term ending 1/2/89.

Mr. Joseph B. Reber, Helena, Montana 59601, appointed for a term ending 1/2/89.

Mr. W. E. Schreiber, Whitefish, Montana 59937, appointed for a term ending 1/1/91.

Mr. Wilbur E. Scott, Great Falls, Montana 59401, appointed for a term ending 1/1/91.

Mr. Frederick B. Tossberg, Hamilton, Montana 59840, appointed for a term ending 1/1/91.

Sincerely,

Ted Schwinden
Governor

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

LABOR AND EMPLOYMENT RELATIONS (Lynch, Chairman) 4/22/87
HJR 51, be concurred in. Report adopted.

MOTIONS

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to place the Free Conference Committee Reports on the following bills on second reading this day: SB 48, SB 71, SB 340, and HB 460. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 48 - Senator Mazurek moved that the Free Conference Committee Report on SB 48 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 71 - Senator Gage moved that the Free Conference Committee Report on SB 71 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 340 - Senator Severson moved that the Free Conference Committee Report on SB 340 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Blaylock, Eck.
Total 2

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 460 - Senator Regan moved that the Free Conference Committee Report on HB 460 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

HIGHWAYS AND TRANSPORTATION (Tveit, Chairman) 4/22/87
HJR 57, be concurred in. Report adopted.

MOTIONS

Senator Van Valkenburg moved that the Conference Committee on Senate amendments to HB 123 be dissolved and that the President be authorized to appoint a Free Conference Committee to meet with a like committee of the House to confer on HB 123. Motion carried.

The President appointed the following members:

Senator Blaylock, Chairman
Senator Beck
Senator Halligan

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to place all bills that pass second reading this day on third reading this day. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 861, Conference Committee Report, adopted as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen,

Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: Aklestad, Galt, Hammond, Kolstad.
Total 4

Excused: None.
Total 0

Absent or not voting: Jacobson, Smith.
Total 2

HB 233, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Haffey.
Total 1

Excused: None.
Total 0

Absent or not voting: Jacobson, Smith.
Total 2

HB 241, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 459, Free Conference Committee Report, adopted as follows:

Ayes: Aklestad, Anderson, Bengtson, Blaylock, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Williams, Yellowtail, Mr. President.
Total 36

Noes: Abrams, Beck, Bishop, Boylan, Brown, Gage, Galt, Hammond, Hirsch, McCallum, McLane, Tveit, Weeding.

Total 13

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 867, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Blaylock, Severson.
Total 2

Excused: None.
Total 0

Absent or not voting: Boylan, Smith.
Total 2

SB 48, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: Pinsoneault.
Total 1

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SB 71, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Regan, Smith.

Total 2

SB 340, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Blaylock, Eck, Neuman, Walker.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 460, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Bishop, Hirsch, Pinsoneault, Severson.
Total 4

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

ANNOUNCEMENTS

Announcements were made.

Senator Van Valkenburg moved that the Senate adjourn until 9:00 a.m., April 23, 1987.

Motion carried.

Senate adjourned at 3:37 p.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

NINETIETH LEGISLATIVE DAY

Helena, Montana
April 23, 1987

Senate Chambers
State Capitol

Senate convened at 9:08 a.m., President Norman presiding. Invocation by the Chaplain, Pastor Monson. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-ninth legislative day, find the same to be correct.

Galt, Chairman

MESSAGES FROM THE GOVERNOR

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

April 22, 1987

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 183, "AN ACT TO PROVIDE, THROUGH A STATEWIDE LEVY AND THE NET LOTTERY REVENUE, STATE AID TO ASSIST THE COUNTIES IN EQUALIZING A PORTION OF THE RETIREMENT FUND OBLIGATIONS OF ELEMENTARY AND HIGH SCHOOL DISTRICTS; TO PROVIDE A METHOD FOR ~~DETERMINING THE LEVEL OF STATE AID AND~~ DISTRIBUTING SUCH AID; AMENDING SECTIONS ~~17-7-502,~~ 20-3-106~~,~~ AND 20-9-501, MCA, AND SECTION 13, CHAPTER 669, LAWS OF 1985; AND PROVIDING A DELAYED EFFECTIVE DATE," without my signature and recommend the attached amendments, with which the sponsor has concurred.

SB 183 requires every county to levy a minimum of nine mills to equalize teachers' retirement contributions. Since nearly twenty counties levied fewer than nine mills in 1986, these counties would be required to increase their mill levies, directly contradicting the property tax freeze initiative (I-105) approved last fall by Montana voters.

Legislation to implement I-105 was under consideration at the time SB 183 was being considered in committees, but subsequent defeat of such legislation automatically triggers a property tax freeze, effective July 1, 1987. It would therefore be unacceptable to enact legislation that requires more than one-third of Montana counties to raise local property tax mill levies.

The administration concurs in the efforts to equalize statewide mill levies for teachers' retirement, but requiring a mandatory nine mill levy to achieve that goal has been rendered inappropriate by legislative inaction on I-105.

Elimination of the requirement to impose a nine-mill levy in every county by these amendments will enable counties to comply with the

upcoming property tax freeze. These amendments would reallocate lottery funds to counties that currently levy more than nine mills, thereby reducing the property tax burden in the higher mill levy counties and achieving a degree of equalization.

I urge your concurrence in my amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL NO. 183
(Reference Copy)
April 22, 1987

1. Title, line 5.
Following: "THROUGH"
Strike: "A"

2. Title, line 6.
Following: line 5
Strike: "STATEWIDE LEVY AND"

3. Title, line 7.
Following: "ASSIST"
Strike: "THE"
Insert: "HIGH LEVY"
Strike: "EQUALIZING"
Insert: "PAYMENT OF"

4. Title, line 9.
Following: "METHOD"
Insert: "OF ESTABLISHING COUNTY ENTITLEMENT AND"

5. Page 2, line 6.
Following: "money"
Strike: "from the statewide levy"

6. Page 2, line 7.
Following: line 6
Strike: "3"
Insert: "2"

7. Page 2, line 13 through page 3, line 11.
Strike: section 2 in its entirety
Renumber: subsequent sections

8. Page 3, line 17.
Following: "available from" on line 16
Strike: ":" on line 16 through "and" on line 17

9. Page 3, lines 19 and 20.
Following: "374];" on line 19
Strike: ";" on line 19 through "2" on line 20

10. Page 3.
Following: line 20
Insert: "(b) establishing a list containing each county that levied in the prior school fiscal year in excess of 9 mills to fund its required contribution for retirement fund obligations;"
Renumber: subsequent subsections

11. Page 3, line 23.
Following: "total"
Strike: "state"
Following: "ANB"
Insert: "of the counties listed pursuant to (1)(b)"

12. Page 3, line 25.
Strike: "each"
Following: "notify"
Insert: "the"
Following: "superintendent"
Insert: "of each county listed in (1)(b)"

13. Page 4, line 9.
Following: "distributing"
Strike: remainder of line 9
Insert: "by October 1"

14. Page 4, line 10.
Following: "county"
Strike: "."
Insert: "listed pursuant to (1)(b)"

15. Page 4, lines 11 through 14.
Following: line 10
Strike: line 11 in its entirety through "20-9-344" on line 14

16. Page 4, line 20.
Following: "subsection"
Strike: "(1)(b)"
Insert: "(1)(c)"

17. Page 4, line 21.
Following: "county"
Strike: "will"
Insert: "listed pursuant to (1)(b) must"

18. Page 11, line 25.
Following: "[section"
Strike: "3"
Insert: "2"

19. Page 14, line 23.
Following: "4"
Strike: "3"
Insert: "2"

20. Page 17, line 11.
Following: "section 3"
Strike: "OF SENATE BILL NO. 183"
Insert: "2"

The Honorable William J. Norman April 22, 1987
President of the Senate
State Capitol
Helena, MT 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, MT 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill 383, "AN ACT DEFINING "INTERIM PRODUCTION" OF PETROLEUM, OIL, AND NATURAL GAS; REVISING THE DEFINITION OF "NEW PRODUCTION" OF PETROLEUM, OIL, AND NATURAL GAS; EXTENDING THE UNIFORM RATE OF NET PROCEEDS TAXATION TO INTERIM PRODUCTION AND REDEFINED NEW PRODUCTION; PROVIDING FOR THE EXEMPTION FROM NET PROCEEDS TAXES FOR ~~24~~ ~~12~~ ~~24~~ 12 MONTHS FOR NEW PRODUCTION FROM NATURAL GAS, PETROLEUM, AND OIL WELLS; PROVIDING FOR PRORATING OF DEDUCTIONS TO DETERMINE NET PROCEEDS; PROVIDING FOR QUARTERLY PAYMENT OF INTERIM PRODUCTION AND NEW PRODUCTION NET PROCEEDS TAXES; REVISING THE DEFINITION OF "TAXABLE VALUATION" AS IT APPLIES TO COUNTY CLASSIFICATION; AMENDING SECTIONS 7-1-2111, 7-7-2101, 7-7-2203, 7-14-2524, 7-14-2525, 7-16-2327, 15-6-208, 15-16-102, 15-16-121, 15-23-601 THROUGH 15-23-605, 15-23-607, 15-23-612, 15-23-613, 20-9-141, 20-9-331, 20-9-333, 20-9-352, 20-9-501, AND 20-10-144, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE." without my signature and recommend the attached amendments for the following reasons.

My amendments, which have been concurred in by the sponsor, correct inconsistencies within the bill, allowing the bill to be implemented as intended.

The January 1, 1987 date included in the definition of interim production on page 11 of the bill is inconsistent with the April 1, 1987 applicability date of the act. My first amendment changes the date to April 1.

The definitions of interim and new production contain language on the treatment of leases with unitized areas that is inconsistent with the well basis for qualifying for new or interim production. My second through eleventh amendments remove the conflicting language.

Finally, the tax status of wells that formerly did not qualify for the flat 7% or 12% proceeds tax, but will qualify after April 1, needs to be clarified. My twelfth amendment provides that clarification.

I urge your concurrence in these amendments.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS
TO SENATE BILL NO. 383
(Reference Copy)
April 22, 1987

1. Page 11, line 20.
Strike: "January"
Insert: "April"

2. Page 11, line 13.
Following: (2)
Strike: "(a)"

3. Page 11, line 16.
Following: line 15

Strike: "(i)"
Insert: "(a)"

4. Page 11, line 19.
Following: line 18
Strike: "(ii)"
Insert: "b"

5. Page 11, line 21 through page 12, line 3.
Strike: subsection (b) in its entirety

6. Page 12, line 4.
Following: "(3)"
Strike: "(a)"

7. Page 12, line 7.
Following: line 6
Strike: "(i)"
Insert: "(a)"

8. Page 12, line 10.
Following: line 9
Strike: "(ii)"
Insert: "(b)"

9. Page 12, lines 12 through 19.
Strike: subsection (b) in its entirety

10. Page 43, line 4.
Following: "If"
Strike: "both this act and"
Following: "776"
Strike: "are"
Insert: "is"

11. Page 43, line 5.
Following: "section"
Strike: "10(3)(a)(ii)"
Insert: "10(3)(b)"

12. Page 43, line 10.
Following: "1987."
Insert: "The tax rate and filing method applicable to a well that qualifies as interim production under section 10 but which did not qualify as new production under 15-23-601 prior to the applicability date of this act does not change for tax periods prior to the applicability date."

The Honorable Robert L. Marks April 22, 1987
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, MT 59620

Dear Representative Marks and Senator Norman:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill 776, "AN ACT TO EXEMPT CERTAIN STRIPPER WELLS, AND FOR

THE FIRST 2 YEARS OF PRODUCTION, ALL OTHER WELLS PRODUCING PETROLEUM, NATURAL GAS, OR OTHER MINERAL OR CRUDE OIL FROM SEVERANCE TAXES; TO LOWER THE SEVERANCE TAX RATE TO 3 PERCENT FOR CERTAIN STRIPPER WELLS; AMENDING SECTIONS 15-23-607, 15-23-612, 15-36-101, AND 15-36-121, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND, A RETROACTIVE APPLICABILITY DATE, AND A CONTINGENT TERMINATION DATE." without my signature and recommend the attached amendments, which implement the bill's intent and have been concurred in by its sponsors.

The intent of the legislation, judging by the language on page 6 of the bill, was to exempt from the severance taxation the first 5 barrels of oil produced per day from a stripper. However, the exemption language on page 10, lines 15 through 17, is not consistent with that intent. I propose an amendment to implement that intent.

The bill does not provide for a method of measuring production of natural gas wells to determine if the gas qualifies for the severance tax exemption or reduced rate. The amendments provide such a method for measuring production.

The amendments also clarify that the first 30,000 cubic feet of average daily production of natural gas are exempt from the severance tax. In its present form, the bill exempts only the first 30,000 cubic feet of gas production each quarter.

Finally, the amendments remove from the definition of a stripper well ambiguous language regarding measurement of oil production and determination of the tax exemption or reduced rate of taxation.

Sincerely,

Ted Schwinden
Governor

GOVERNOR'S AMENDMENTS
TO HOUSE BILL NO. 776
(Reference Copy)
April 22, 1987

1. Page 10, lines 8 and 9.
Following: on line 8 the first "for"
Strike: "1"
Insert: "the calendar"
Following: "to the"
Strike: "quarter for which production is reported as required by 15-36-105 is TAXED AS FOLLOWS:"
Insert: "current year shall be taxed as provided in this section. Production must be determined by dividing the amount of production from a lease or unitized area for the year prior to the current calendar year by the number of producing wells in the lease or unitized area and by dividing the resulting quotient by 365."

2. Page 10, line 10.
Following: "FEET OF"
Strike: "GAS PRODUCED"
Insert: "average daily production per well"

3. Page 10, line 15.
Following: "(4)"

Strike: "All production"
Insert: "The first 5 barrels of average daily production"
Following: "well" on line 15
Strike: "THAT PRODUCES 5 BARRELS OR LESS A DAY"

4. Page 11, lines 8 and 9.
Following: "day" on line 8
Strike: ", and, if otherwise not specifically determinable, production must be"

5. Page 12, line 1.
Following: "(5)"
Insert: "(a)"

6. Page 12, line 2.
Following: "section"
Strike: "3"
Insert: "4"

MESSAGES FROM THE OTHER HOUSE

House bill passed and transmitted to the Senate for concurrence:

HJR 60, introduced by Strizich.

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments:

SB 38, introduced by Williams.

Governor's amendments to House bills concurred in and transmitted to the Senate for concurrence in Governor's amendments:

HB 39, introduced by Donaldson.

HB 776, introduced by Nathe.

The House, on 4/22/87, acceded to the request of the Senate authorizing the Speaker to appoint a Free Conference Committee to meet with a like committee of the Senate to confer on SB 103.

The Speaker appointed the following members:

Representative Swysgood
Representative Harp
Representative Harper

The House, on 4/22/87, dissolved the Conference Committee on Senate amendments to HB 123 requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on HB 123.

The Speaker appointed the following members:

Representative Mercer
Representative Keller
Representative Bradley

The House, on 4/22/87, dissolved the Conference Committee on House amendments to SB 340, requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on SB 340.

The Speaker appointed the following members:

Representative Switzer
Representative Patterson

Representative Koehnke

The House, on 4/22/87, dissolved the Conference Committee on House amendments to SJR 14, requesting the Senate to dissolve its like committee and appoint a Free Conference Committee to confer on SJR 14.

The Speaker appointed the following members:

Representative Ramirez
Representative Wallin
Representative D. Brown

Conference Committee Reports adopted:

HB 163, Conference Committee Report No. 1. 4/16/87

SB 371, Conference Committee Report No. 1. 4/17/87

HB 697, Conference Committee Report No. 1.

SB 219, Conference Committee Report No. 1. 4/21/87

SB 298, Conference Committee Report No. 1.

SB 331, Conference Committee Report No. 1.

SB 360, Conference Committee Report No. 1.

SB 363, Conference Committee Report No. 1.

Free Conference Committee Reports adopted:

HB 471, Free Conference Committee Report No. 1. 4/8/87

HB 325, Free Conference Committee Report No. 1. 4/16/87

HB 837, Free Conference Committee Report No. 1.

HB 102, Free Conference Committee Report No. 2. 4/20/87

HB 277, Free Conference Committee Report No. 2. 4/21/87

HB 326, Free Conference Committee Report No. 1.

HB 442, Free Conference Committee Report No. 1.

HB 567, Free Conference Committee Report No. 1.

HB 583, Free Conference Committee Report No. 1.

HB 586, Free Conference Committee Report No. 1.

HB 752, Free Conference Committee Report No. 1.

SB 48, Free Conference Committee Report No. 1. 4/22/87

SB 64, Free Conference Committee Report No. 1.

SB 71, Free Conference Committee Report No. 1.

SB 74, Free Conference Committee Report No. 2.

SB 340, Free Conference Committee Report No. 1.

HB 206, Free Conference Committee Report No. 1.

HB 233, Free Conference Committee Report No. 1.

HB 241, Free Conference Committee Report No. 1.

HB 252, Free Conference Committee Report No. 1.

HB 459, Free Conference Committee Report No. 1.

HB 460, Free Conference Committee Report No. 1.

HB 796, Free Conference Committee Report No. 3.

HB 861, Free Conference Committee Report No. 1.

HB 867, Free Conference Committee Report No. 1.

Conference Committee Report rejected:

SB 340, Conference Committee Report No. 1.

Free Conference Committee Reports rejected:

SB 74, Free Conference Committee Report No. 1.

HB 721, Free Conference Committee Report No. 1.

MOTIONS

Senator Van Valkenburg moved that the Governor's amendments to SB 183 and SB 383 be placed on second reading this legislative day and that the Governor's letter with amendments be deemed the printed copy. Motion carried.

Senator Van Valkenburg moved that the Governor's amendments to HB 776 and HB 39 be placed on second reading this legislative day. Motion carried.

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SR 8, introduced by Haffey, Farrell. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 3 - Senator Keating moved that House amendments to SB 3 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lynch, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Thayer, Tveit, Vaughn, Walker, Weeding, Williams.
Total 34

Noes: Blaylock, Brown, Eck, Haffey, Halligan, Himsl, Lybeck, Manning, Neuman, Regan, Van Valkenburg, Yellowtail, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Jacobson, Stimatz, Story.

Total 3

SR 6 - Senator McCallum moved that SR 6 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 570 - Senator Van Valkenburg moved, without objection, that HB 570 be placed at the bottom of the board.

HJR 51 - Senator Manning moved that HJR 51 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 56 - Senator Neuman moved that HJR 56 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 57 - Senator Hager moved that HJR 57 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 58 - Senator Blaylock moved that HJR 58 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 59 - Senator Keating moved that HJR 59 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 183 - Senator Regan moved that the Governor's amendments to SB 183 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 383 - Senator Gage moved that the Governor's amendments to SB 383 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 39 - Senator McCallum moved that the Governor's amendments to HB 39 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 776 - Senator Gage moved that the Governor's amendments to HB 776 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 570 - Senator Lynch moved that the Governor's amendments to HB 570 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Walker moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 3, House amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Williams, Mr. President.
Total 31

Noes: Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Regan, Van Valkenburg, Vaughn, Walker, Weeding.
Total 18

Excused: None.
Total 0

Absent or not voting: Yellowtail.
Total 1

SB 3 failed to pass as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, Kolstad, Lynch, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Williams.
Total 29

Noes: Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Manning, Mazurek, Neuman, Regan, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: Yellowtail.
Total 1

HB 570, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Severson, Yellowtail.
Total 2

HJR 51 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Mr. President.
Total 46

Noes: Beck, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: Hofman, Yellowtail.
Total 2

HJR 56 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Blaylock, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 46

Noes: Bishop, Boylan, Story.
Total 3

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

HJR 57 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Harding, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 43

Noes: Aklestad, Beck, Halligan, Hammond, Himsl, McCallum, Story.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 58 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 59 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story,

Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 183, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 383, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

HB 39, Governor's amendments, concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: Severson, Smith.
Total 2

HB 776, Governor's amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Aklestad, Smith.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/23/87

Correctly printed and placed on the members' desks:
SR 6

Examined by the sponsors and found to be correct:
SB 331 Smith
SB 360 Bishop

Signed by the President at 3:15 p.m., 4/22/87:
SB 219 SB 256

Signed by the President at 9:30 a.m., 4/23/87:
HB 326 HB 586

Signed by the President at 9:45 a.m., 4/23/87:
HB 442 HB 567 HB 627 HB 697
HB 752 HJR 52 HJR 53

Delivered to the Governor at 8:55 a.m., 4/23/87:
SB 219 SB 256 SB 363

Delivered to the Secretary of State at 8:57 a.m., 4/23/87:
SJR 8

Report adopted.

STATE ADMINISTRATION (Haffey, Chairman) 4/23/87

SR 8, do pass. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 256
Report No. 1, April 22, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 256, met and considered:

House Bill No. 256

We recommend as follows:

That House Bill No. 256, reference copy, be amended as follows:

1. Page 1, line 19.
Strike: "$50"
Insert: "$60"

2. Page 1, line 20.
Strike: "$50"
Insert: "$60"

3. Page 1, line 24.
Strike: "$30"
Insert: "$40"

4. Page 2, line 1.
Strike: "$20"
Insert: "$25"

5. Page 3, lines 5 and 6.
Strike: subsection (Q) in its entirety

6. Page 3, line 9.
Strike: "(6)"
Insert: "(5)"

7. Page 4, line 6.
Strike: "$25"
Insert: "$35"

8. Page 4, line 8.
Strike: "$15"
Insert: "$25"

9. Page 4, line 10.
Strike: "$10"
Insert: "$15"

10. Page 4, line 21 through page 5, line 3.
Strike: subsection (6) in its entirety

11. Page 5, line 8.
Strike: "$50"
Insert: "$60"

12. Page 5, line 9.
Strike: "$50"
Insert: "$60"

13. Page 5, line 13.
Strike: "$30"
Insert: "$40"

14. Page 5, line 15.
Strike: "$20"
Insert: "$25"

15. Page 6, lines 19 and 20.
Strike: subsection (Q) in its entirety

16. Page 6, line 23.
Strike: "(6)"
Insert: "(5)"

17. Page 7, line 19.
Strike: "$25"
Insert: "$35"

18. Page 7, line 21.
Strike: "$15"
Insert: "$25"

19. Page 7, line 23.
Strike: "$10"
Insert: "$15"

20. Page 8, lines 9 through 16.
Strike: subsection (6) in its entirety

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Pinsoneault, Chairman	Roth, Chairman
Lybeck	Campbell
Mazurek	Pistoria

MOTIONS

Senator Van Valkenburg moved that the Senate stand in recess subject to the call of the Chair. Motion carried.

Senate recessed at 10:03 a.m.

Senate reconvened at 11:19 a.m.

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to reconsider its previous action on HB 782, and request the return of HB 782 from the House and place it on second reading.

Senator Boylan moved the previous question. Motion carried as follows:

Ayes: Abrams, Aklestad, Beck, Bishop, Boylan, Brown, Crippen, Farrell, Gage, Galt, Haffey, Hager, Hammond, Harding, Hirsch, Hofman, Keating, Lynch, McCallum, McLane, Meyer, Rasmussen, Regan, Severson, Smith, Story, Tveit, Walker, Mr. President.
Total 29

Noes: Anderson, Bengtson, Blaylock, Eck, Halligan, Jacobson, Jergeson, Kolstad, Lybeck, Mazurek, Neuman, Pinsoneault, Stimatz, Thayer, Van Valkenburg, Vaughn, Weeding, Williams, Yellowtail.
Total 19

Excused: None.
Total 0

Absent or not voting: Himsl, Manning.
Total 2

Senator Van Valkenburg's motion failed as follows:

Ayes: Beck, Bengtson, Blaylock, Brown, Crippen, Eck, Galt, Hager, Halligan, Harding, Himsl, Hofman, Jergeson, Keating, Kolstad, Mazurek, McLane, Meyer, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Weeding, Mr. President.

Total 25

Noes: Abrams, Aklestad, Anderson, Bishop, Boylan, Farrell, Gage, Haffey, Hammond, Hirsch, Jacobson, Lybeck, Lynch, Manning, McCallum, Neuman, Pinsoneault, Severson, Smith, Stimatz, Tveit, Vaughn, Walker, Williams, Yellowtail.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Gage moved that HB 727 be taken from the table in the Committee on Labor and Employment Relations, printed and placed on second reading this day. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 29

Noes: Bishop, Blaylock, Eck, Haffey, Halligan, Himsl, Jacobson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: Neuman.
Total 1

Senator Crippen moved that the Senate reconsider its previous action on HB 782. Motion carried as follows:

Ayes: Anderson, Beck, Bengtson, Bishop, Blaylock, Crippen, Eck, Farrell, Hager, Halligan, Harding, Himsl, Hofman, Jergeson, Keating, Kolstad, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Walker, Weeding, Yellowtail, Mr. President.
Total 31

Noes: Abrams, Aklestad, Boylan, Brown, Gage, Galt, Haffey, Hammond, Hirsch, Jacobson, Lybeck, Lynch, McCallum, Severson, Smith, Stimatz, Tveit, Vaughn, Williams.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the Senate temporarily suspend the rules to recall HB 782 from the House and place on second reading this day. Motion failed as follows:

Ayes: Beck, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Galt, Hager, Halligan, Harding, Hofman, Jergeson, Keating, Kolstad, Manning, Mazurek, McLane, Meyer, Rasmussen, Regan, Story, Thayer, Van Valkenburg, Weeding, Yellowtail, Mr. President.

Total 27

Noes: Abrams, Aklestad, Anderson, Boylan, Farrell, Gage, Haffey, Hammond, Himsl, Hirsch, Jacobson, Lybeck, Lynch, McCallum, Neuman, Pinsoneault, Severson, Smith, Stimatz, Tveit, Vaughn, Walker, Williams.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Keating moved that the Senate complete its action on SR 6 by applauding Norm Eck. Motion carried.

Senator Manning moved that the Senate temporarily suspend the rules to place SJR 6 on second reading this day. Senator Manning withdrew the motion.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 1.

COMMUNICATIONS AND PETITITONS

TO: All members of the Senate April 23, 1987

FROM: Bill Norman, President

RE: Committee on Indian Affairs

In accordance with House Bill No. 20, I hereby appoint the following members to serve on the Committee on Indian Affairs:

Senator Del Gage
Senator Dick Pinsoneault

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/23/87
Correctly enrolled:
SB 331 SB 360

Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 754
Report No. 1, April 23, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 754, met and considered:

House Bill No. 754

We recommend as follows:

That House Bill No. 754, reference copy, be amended as follows:

1. Statement of intent, page 4.
Following: line 25
Insert: "The legislature intends by the amendment to 85-2-243 in section 8 of this bill that it be interpreted to restrict the department

to utilize funds that have been appropriated for the adjudication program. The department's funding level in adjudicating water claims for the 1987-89 biennium is as specifically set forth in House Bill 2."

2. Page 7, line 10.
Following: "appropriated"
Insert: "to it for the adjudication program"
Following: "legislature"
Insert: "to carry out its function under subsection (1)"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Stimatz, Chairman	Spaeth, Chairman
Kolstad	Iverson
Bengtson	Thoft

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 1:45 p.m. Motion carried.

Senate recessed at 12:19 p.m.

Senate reconvened at 1:56 p.m.

Senator Van Valkenburg moved that the following bills be placed on second reading this day: SR 8, Free Conference Committee Report on HB 256, Free Conference Committee Report on HB 754. Motion carried.

Senator Farrell moved that the Conference Committee on HB 884 be dissolved and that the President be authorized to appoint a new Conference Committee to meet with a like committee of the House to confer on HB 884. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 8 - Senator Haffey moved that SR 8 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Galt, Haffey, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Farrell, Hager, Rasmussen, Smith, Thayer, Tveit.
Total 6

HB 727 - Senator Gage moved that HB 727 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Crippen, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Walker, Weeding, Mr. President.
Total 30

Noes: Bishop, Blaylock, Boylan, Brown, Eck, Haffey, Halligan, Jacobson, Lybeck, Lynch, Manning, Neuman, Regan, Stimatz, Van Valkenburg, Vaughn, Yellowtail.
Total 17

Excused: None.
Total 0

Absent or not voting: Farrell, Tveit, Williams.
Total 3

HB 256 - Senator Pinsoneault moved that the Free Conference Committee Report on HB 256 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 754 - Senator Stimatz moved that the Free Conference Committee Report on HB 754 be adopted. Senator Story made a substitute motion that the Free Conference Committee Report on HB 754 be rejected. Substitute motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Gage, Galt, Hager, Hammond, Harding, Hofman, Keating, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit.
Total 21

Noes: Abrams, Bengtson, Bishop, Blaylock, Brown, Eck, Haffey, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 28

Excused: None.
Total 0

Absent or not voting: Farrell.
Total 1

Senator Stimatz's motion carried as follows:

Ayes: Abrams, Bengtson, Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 32

Noes: Aklestad, Anderson, Beck, Gage, Galt, Hammond, Harding, Hofman, Kolstad, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 16

Excused: None.
Total 0

Absent or not voting: Boylan, Williams.
Total 2

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Walker moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 727 concurred in as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, ~~Bishop,~~ Boylan, Brown, Crippen, Farrell, Gage, Galt, ~~Haffey,~~ Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Keating, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, ~~Stimatz,~~ Story, Thayer, Tveit, Weeding, Williams, Mr. President.
Total ~~36~~ 33

Noes: Bishop, Blaylock, Eck, Haffey, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail.
Total ~~13~~ 16

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

HB 256, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 45

Noes: Blaylock, Boylan, Mazurek, Van Valkenburg.
Total 4

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

HB 754, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Bengtson, Blaylock, Brown, Crippen, Eck, Farrell, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Keating, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 30

Noes: Aklestad, Anderson, Beck, Bishop, Boylan, Gage, Galt, Hammond, Harding, Hofman, Kolstad, McCallum, McLane, Meyer, Rasmussen, Smith, Story, Thayer, Tveit.
Total 19

Excused: None.
Total 0

Absent or not voting: Williams.
Total 1

Senator Haffey moved that his vote on HB 727 be changed from yes to no. Motion carried.

Senator Stimatz moved that his vote on HB 727 be changed from yes to no. Motion carried.

Senator Bishop moved that his vote on HB 727 be changed from yes to no. Motion carried.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

President Norman appointed the following members to a new Conference Committee on HB 884.

Senator Van Valkenburg, Chairman
Senator Gage
Senator Blaylock

Senator Van Valkenburg moved that the Senate stand in recess until 3:30 p.m. Motion carried.

Senate recessed at 2:43 p.m.

Senate reconvened at 4:24 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/23/87
Correctly enrolled:
SR 7
Signed by the President at 2:00 p.m., 4/23/87:
SB 331 SB 360

Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on House Bill No. 123
Report No. 1, April 23, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 123, met and considered:

House Bill No. 123

We recommend as follows:

That House Bill No. 123, reference copy, be amended as follows:

1. Title, line 5.
Strike: "HIRE"
Insert: "PETITION FOR THE APPOINTMENT OF"

2. Page 2, line 5.
Strike: "APPROVED"
Insert: "appointed"
Following: "COURT"
Insert: "as provided in [section 3]"

3. Page 3, line 7.
Strike: "or appointment"
Insert: ", petition, and appointment of judge pro tempore"

4. Page 3, line 9.
Following: "action,"
Strike: "a"
Insert: "the parties may petition for the appointment of a judge pro tempore. If the district court judge having jurisdiction over the case where the action was filed finds that the appointment is in the best interest of the parties and serves justice, he may appoint the"

5. Page 3, line 10.
Strike: "may be hired"
Insert: "nominated by the parties"

6. Page 3, line 13.
Strike: "agreement for"
Insert: "appointment of"

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Blaylock, Chairman	Mercer, Chairman
Halligan	Bradley
Beck	Keller

Free Conference Committee
on Senate Bill No. 103
Report No. 1, April 23, 1987

Mr. President:

We, your Free Conference Committee on Senate Bill No. 103, met and considered:

Governor's amendments to Senate Bill No. 103

We recommend as follows:

That Senate Bill No. 103, reference copy, be amended as follows:

1. Page 1, line 16.
Following: "18-2-403"
Strike: "a"

2. Page 2, line 2.
Following: "LABOR"
Strike: "2"
Insert: "or"

3. Page 2, line 3.
Following: "SERVICE"
Strike: ", OR THE MONTANA COMMISSIONER OF INSURANCE"

And that this Free Conference Committee Report be adopted.

For the Senate:

Hager, Chairman
Neuman

For the House:

Swysgood, Chairman
Harp

MESSAGES FROM THE GOVERNOR

The Honorable William Norman
President of the Senate
State Capitol
Helena, MT 59620

April 23, 1987

Dear President Norman:

This is to inform you that I signed Senate Bills No. 22, 44, 100, 118, 162, 170, 177, 190, 272, 279, 325, 337 and 389 on this date.

Sincerely,

Ted Schwinden
Governor

MOTIONS

Senator Van Valkenburg moved that the Free Conference Committee Report on the Governor's amendments to SB 103 and the Free Conference Committee Report on HB 123 be placed on second reading this day. Motion carried.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HJR 60, introduced by Strizich, Manning, Stang, Nisbet, Harper, Driscoll, Pavlovich, D. Brown. Referred to Committee on Business and Industry.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 103 - Senator Hager moved that the Free Conference Committee Report on the Governor's amendments to SB 103 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl,

Hirsch, Hofman, Keating, Kolstad, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Weeding, Williams.
Total 34

Noes: Bishop, Blaylock, Eck, Haffey, Jacobson, Jergeson, Lybeck, Lynch, Manning, Regan, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 15

Excused: None.
Total 0

Absent or not voting: Stimatz.
Total 1

HB 123 - Senator Blaylock moved that the Free Conference Committee Report on HB 123 be adopted. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Walker moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 103, Free Conference Committee Report on the Governor's amendments, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Keating, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, ~~Regan,~~ Severson, Smith, Story, Thayer, Tveit, Weeding, Williams, ~~Yellowtail.~~
Total ~~34~~ 32

Noes: Bengtson, Bishop, Blaylock, Eck, Haffey, Jacobson, Jergeson, Kolstad, Lybeck, Lynch, Manning, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total ~~16~~ 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 123, Free Conference Committee Report, adopted as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Regan moved, without objection, that her vote on SB 103 be changed from yes to no.

Senator Yellowtail moved, without objection, that his vote on SB 103 be changed from yes to no.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 5:30 p.m. Motion carried.

Senate recessed at 4:42 p.m.

Senate reconvened at 5:45 p.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/23/87
Examined by the sponsor and found to be correct:
SR 7 Haffey
Signed by the President at 4:30 p.m., 4/23/87:
SR 7
Delivered to the Secretary of State at 4:37 p.m., 4/23/87:
SR 7

Report adopted.

MESSAGES FROM THE OTHER HOUSE

Free Conference Committee Report rejected:

SB 103, Free Conference Committee Report No. 1.

MOTIONS

Senator Van Valkenburg moved that the Free Conference Committee on the Governor's amendments to SB 103 be dissolved and that the President be authorized to appoint a new Free Conference Committee. Motion carried.

The President appointed the following members:

Senator Bishop, Chairman
Senator Haffey
Senator Hager

Senator Van Valkenburg moved to recess until 7:00 p.m. Motion carried.

Senate recessed at 5:50 p.m.

Senate reconvened at 9:44 p.m.

Senator Van Valkenburg moved, without objection, that Senators Regan, Jacobson, and Hammond be excused at this time to meet with the House conferees on HB 2.

Senators Regan, Jacobson, Hammond excused at this time.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman) 4/23/87
HJR 60, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on Senate Joint Resolution No. 14
Report No. 1, April 23, 1987

Mr. President:

We, your Free Conference Committee on Senate Joint Resolution No. 14, met and considered:

House Committee on Local Government amendments

House Committee of the Whole amendments

We recommend as follows:

That Senate Joint Resolution No. 14, reference copy, be amended as follows:

1. Title, line 8.
Following: "COUNTIES"
Strike: "TO 28 OR FEWER"

2. Title, line 12.
Following: "SERVICES"
Strike: "TO"
Insert: "THAT MAY"

3. Page 2, lines 15 and 16.
Following: "counties"
Strike: remainder of line 15 through "fewer" on line 16

4. Page 2, line 25.
Following: "distribution"
Insert: "and rural/urban population balance"

5. Page 3, line 4.
Following: "resources;"
Strike: "and"

Insert: "(ix) geographic size;

(x) economic impact of consolidation on affected communities; and"
Renumber: subsequent subsection

6. Page 3, lines 6 through 8.
Following: "WITHIN" on line 6
Strike: "THE FOLLOWING DISTRICTS OR WITHIN SIMILAR"

7. Page 3, line 8 through line 9, page 4.
Following: "COUNTIES" on page 3, line 8
Strike: remainder of line 8 through "COUNTIES" on page 4, line 9

8. Page 4, lines 10 and 11.
Following: "THAT THE" on line 10
Insert: "subcommittee consider in preparing its"
Following: line 10
Strike: "PROVIDE FOR"

9. Page 5, line 3.
Strike: "AND"

10. Page 5, line 6.
Following: "DISTRICTS"
Strike: "."
Insert: ";"

11. Page 5, lines 7 and 8.
Strike: line 7 in its entirety through "DESIGNATE" on line 8
Insert: "(d) designation of"
Renumber: subsequent subsections

12. Page 5, line 9.
Following: "AND"
Strike: "PROVIDE"
Insert: "provision"

13. Page 5, line 11.
Following: "DISTRICT"
Strike: "."
Insert: "; and"

14. Page 5, lines 12 and 13.
Strike: line 12 in its entirety through "PROVIDE" on line 13
Insert: "(e) providing"
Renumber: subsequent subsection

15. Page 5.
Following: line 20
Insert: "(4) That the subcommittee consider consolidation of offices within counties."

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
	Ramirez, Chairman
Eck	D. Brown
Gage	Wallin

MOTIONS

Senator Van Valkenburg moved that HJR 60 and the Free Conference Committee Report on SJR 14 be placed on second reading this day. Motion carried.

Senator Van Valkenburg moved that the President request the House to return HB 866 for further consideration. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 60 - Senator Manning moved that HJR 60 be concurred in. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hammond, Jacobson, Regan.
Total 3

Absent or not voting: None.
Total 0

SJR 14 - Senator Yellowtail moved that the Free Conference Committee Report on SJR 14 be adopted. Motion failed as follows:

Ayes: Bishop, Blaylock, Brown, Crippen, Eck, Farrell, Gage, Halligan, Harding, Himsl, Keating, Meyer, Neuman, Pinsoneault, Rasmussen, Stimatz, Thayer, Van Valkenburg, Walker, Yellowtail.
Total 20

Noes: Abrams, Aklestad, Anderson, Beck, Bengtson, Galt, Haffey, Hager, Hirsch, Hofman, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McCallum, McLane, Severson, Smith, Story, Tveit, Vaughn, Weeding, Mr. President.
Total 24

Excused: Hammond, Jacobson, Regan.
Total 3

Absent or not voting: Boylan, Lynch, Williams.
Total 3

Senator Van Valkenburg moved that the Free Conference Committee report on SJR 14 be rejected. Motion carried as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Farrell, Galt, Haffey, Hager, Halligan, Hirsch, Hofman, Jergeson, Kolstad, Lybeck, Manning, McCallum, McLane, Neuman, Pinsoneault, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 30

Noes: Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Gage, Harding, Himsl, Keating, Mazurek, Meyer, Rasmussen, Thayer, Yellowtail.

Total 15

Excused: Hammond, Jacobson, Regan.
Total 3

Absent or not voting: Lynch, Williams.
Total 2

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Walker moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HJR 60 concurred in as follows:

Ayes: Bengtson, Blaylock, Boylan, Eck, Farrell, Haffey, Hager, Halligan, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McLane, Meyer, Neuman, Pinsoneault, Stimatz, Story, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Mr. President.
Total 25

Noes: Abrams, Aklestad, Anderson, Beck, Bishop, Brown, Crippen, Gage, Galt, Harding, Himsl, Hirsch, Hofman, Keating, McCallum, Rasmussen, Severson, Smith, Tveit, Yellowtail.
Total 20

Excused: Hammond, Jacobson, Regan.
Total 3

Absent or not voting: Lynch, Williams.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Aklestad moved that the Senate temporarily suspend the rules to allow the introduction of HB 912 into the Senate. Motion failed as follows:

Ayes: Aklestad, Anderson, Beck, Bishop, Blaylock, Boylan, Brown, Crippen, Farrell, Gage, Galt, Hager, Hammond, Harding, Himsl, Hirsch, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Pinsoneault, Rasmussen, Smith, Story, Thayer, Tveit.
Total 29

Noes: Abrams, Bengtson, Eck, Haffey, Halligan, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Regan, Severson, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 20

Paired: Farrell, Gage, Hammond, Thayer, Ayes; Jacobson, Lynch, Regan, Van Valkenburg, Noes.

Excused: None.
Total 0

Absent or not voting: Williams.
Total 1

Senator Van Valkenburg moved that the Senate recess until 10:45 p.m. Motion carried.

Senate recessed at 10:22 p.m.

Senate reconvened at 11:19 p.m.

Senator Van Valkenburg moved that the Senate recess until 11:45 p.m. Motion carried.

Senate recessed at 11:25 p.m.

Senate reconvened at 12:27 a.m.

REPORTS OF SELECT COMMITTEES

Free Conference Committee Report
on House Bill No. 2
Report No. 2, April 23, 1987

Mr. President:

We, your Free Conference Committee on House Bill No. 2, met and considered:

House Bill No. 2

Free Conference Committee Report No. 1 on House Bill No. 2.

We recommend as follows:

That Report No. 1 be adopted except as noted in this report and that House Bill No. 2, reference copy, be further amended as follows:

1. Page BP-1, line 6.
Following: "1989"
Insert: "AND PROVIDING FISCAL 1987 SUPPLEMENTAL APPROPRIATIONS TO FUND IMPLEMENTATION COSTS OF LEGISLATION ENACTED BY THE 50TH LEGISLATURE"

2. Page BP-4.
Following: line 24
Insert: "Section 15. Fiscal 1987 supplemental appropriations. There is appropriated from the local impact and education trust fund account the following amounts for fiscal 1987, to implement Senate Bill 200.

a. Department of Revenue, Property Assessment Division, $89,055.

b. Department of Justice, Motor Vehicle Registrar, $53,000."
Renumber: subsequent sections

3. Page A-13.
Following: line 22
Insert: "c. Administration - Senate Bill 200
60,000 60,000" (federal special revenue)

4. Page A-16.
Following: line 18
Insert: "The source of funding in item 7c is the local impact and education trust fund account."

5. Page A-19, line 24.
Strike: "8,114,206" and "8,182,783"
Insert: "8,472,371" and "8,508,144"

6. Page A-21.

Following: line 10
Insert: "For the purposes of implementing Senate Bill 200, there may be no more that 36 FTE in fiscal 1988 and 34 FTE in fiscal 1989."

7. Page B-14.
Following: line 5
Insert: "SRS shall make all changes in eligibility criteria allowed by Montana statute and federal regulations as are necessary to contain expenditures within the amount appropriated for aid to families with dependent children."

8. Page B-14, line 23.
Following: "~~APPROPRIATION.~~" on line 23
Strike: remainder of line 23 through narrative line 7, page B-15

9. Page F-17.
Following: line 13
Insert: "Section 15 is effective on passage and approval."

10. Amendment no. 19 in committee report no. 1 is superseded.

LFA will amend totals.

Free Conference Committee Report
on House Bill No. 2
Report No. 1, April 23, 1987

1. Page BP-3, line 25.
Following: "INDIVIDUALS,"
Insert: "after January 1, 1988,"

2. Page BP-4, line 1.
Following: "sciences,"
Insert: "the department of family services, the department of institutions,"

3. Page A-1, line 9.
Strike: "926,544"
Insert: "963,944"

4. Page A-1, line 25.
Strike: "794,956"
Insert: "788,773"

5. Page A-2, line 5.
Strike: "718,820"
Insert: "712,552"

6. Page A-4, line 22.
Strike: "245,347" and "241,331"
Insert: "243,618" and "239,609"

7. Page A-4, line 25.
Strike: "26,200"
Insert: "101,200"

8. Page A-5, line 23.
Strike: "131,719 50,000 131,623 50,000"
Insert: "181,719 181,623" (general fund columns)

9. Page A-6.
Following: line 16
Strike: lines 17 and 18 in their entirety

10. Page A-8, line 24.
Strike: "699,484 227,603" and "709,775 224,292"
Insert: "510,157 383,930" and "521,931 379,136"

11. Page A-9.
Strike: lines 14 and 15 in their entirety

12. Page A-10, line 14.
Strike: "256,271" and "256,039"
Insert: "238,271" and "238,039"

13. Page A-11, line 5.
Strike: "716,740" and "714,064"
Insert: "696,740" and "694,064"

14. Page A-11, line 12.
Strike: "273,759" and "268,514"
Insert: "283,759" and "278,514"

15. Page A-15, line 13.
Strike: "143,835 633,964 143,232 629,368"
Insert: " 0 777,799 0 772,600"

16. Page A-16.
Following: line 15
Insert: "The department shall purchase the modular facilities in Bozeman that currently house the Montana law enforcement academy. For the purpose of purchasing such facilities, the department is authorized to expend funds appropriated in item 10a."

17. Page A-17, line 8.
Strike: "437,791 77,550" and "436,834 75,354"
Insert: "412,791 102,550" and "411,834 100,354"

18. Page A-19, line 7.
Strike: "74,795" and "120,455"
Insert: "230,728" and "238,348"

19. Page A-19, line 24.
Strike: "8,114,206" and "8,182,783"
Insert: "8,671,921" and "8,657,816"

20. Page A-20.
Following: line 10
Insert: "e. Property Assessment — House Bill 436
500,789" (federal special revenue, fiscal 1989)

21. Page A-21.
Following: line 10
Insert: "The source of funding in item 7e is the local impact and education trust fund account."

22. Page B-5, line 19.
Strike: "125,000" and "125,000"
Insert: "216,760" and "216,760"

23. Page B-6.
Following: line 14
Insert: "l. New Horizons
27,095 27,095" (general fund columns)

24. Page B-8.
Following: line 10

Insert: "Item 1l is contingent upon passage and approval of House Bill 460. If House Bill 460 is not passed and approved, general fund in item 1e is reduced to $125,000 in fiscal 1988 and $125,000 in fiscal 1989."

25. Page B-8, line 14.
Strike: "5,625,446" and "3,524,512"
Insert: "5,735,323" and "3,549,363"

26. Page B-8.
Following: line 20
Insert: "iii. Nonresident General Relief
180,000" (general fund, fiscal 1988) "180,000" (general fund, fiscal 1989)
Renumber: subsequent subsections

27. Page B-10, line 20.
Strike: "6,540,607 6,606,013"
Insert: "7,168,000 7,349,000"

28. Page B-10, line 21.
Strike: "19,130,953" and "21,138,236"
Insert: "18,503,560" and "20,395,249"

29. Page B-12, line 14.
Strike: "310,359" and "938,622"
Insert: "280,458" and "908,722"

30. Page B-12, line 16.
Strike: "12,921,903"
Insert: "13,421,903"

31. Page B-12, line 17.
Strike: "5,846,843" and "13,517,746"
Insert: "5,502,908" and "13,396,869"

32. Page C-3, line 7.
Strike: "223,505" and "217,284"
Insert: "594,830" and "588,609"

33. Page C-5, line 24.
Strike: "5,210,325"
Insert: "5,154,352"

34. Page C-6.
Following: line 13
Insert: "The department shall consolidate support functions by July 1, 1988. If any relocation costs are incurred in consolidating functions, they must be financed from the forestry division's fiscal 1988 appropriation. The department shall report to the 51st legislature on the fiscal savings of the consolidation."

35. Page C-6, line 18.
Strike: "1,801,255" and "1,862,582"
Insert: "1,805,955" and "1,867,282"

36. Page C-7, line 18.
Strike: "3,696,188" and "3,697,824"
Insert: "3,702,088" and "3,703,724"

37. Page C-7, line 24.
Strike: "2,662,150" and "2,612,810"
Insert: "2,677,150" and "2,627,810"

38. Page C-8.
Following: line 5
Insert: "c. Wildlife Habitat
3,600,000" (State special revenue, fiscal 1988)

"d. Pheasant Enhancement Program
987,000" (State special revenue, fiscal 1988)

39. Page C-8, line 11.
Strike: "1,108,854" and "1,084,442"
Insert: "1,111,104" and "1,088,942"

39A. Page C-9, line 11.
Strike: line 11 in its entirety
Insert: "Items 1b, 2c, 5c, and 5d are biennial appropriations."

40. Page C-9.
Following: line 13
Insert: "If this act and House Bill 599 are both passed and approved, the $100,000 appropriation provided in section 1 of House Bill 599 is void and the department of fish, wildlife, and parks shall transfer $150,000 to the university of Montana. The funds so transferred are appropriated for the use of the biological station at Yellow Bay for the purposes of House Bill 599."

41. Page C-12.
Following: line 8
Insert: "Of the funds appropriated in item 4a, not more than $584,788 for each year of the biennium may be used for adjudication of pre-July 1, 1973, water rights."

42. Page C-12, lines 11 through 13.
Strike: lines 11 through 13 in their entirety

43. Page C-13, line 12.
Strike: "539,626" and "536,444"
Insert: "513,626" and "510,444"

44. Page C-12.
Following: line 13
Insert: "Enactment of House Bill 642 and House Bill 831 satisfies the emergency provisions of 17-7-403, and the department may request a budget amendment to spend the fees collected under the authority of the bills."

45. Page C-13, line 19.
Strike: "686,692 30,114" and "683,219 59,257"
Insert: "636,692 130,114" and "633,219 159,257"

46. Page C-14, line 10.
Strike: "4,575,215" and "4,672,834"
Insert: "4,475,215" and "4,572,834"

47. Page C-14, line 25.
Strike: "b. Local Government Block Grant"
Renumber: subsequent subsections

48. Page C-15, line 5.
Strike: line 5 in its entirety

49. Page C-15, line 9.
Strike: "2,500,000" and "2,500,000"
Insert: "2,286,259" and "2,373,870"

50. Page C-16, line 17.
Strike: "1,323,267" and "1,360,660"
Insert: "1,311,931" and "1,348,021"

51. Page C-17, line 11.
Strike: "2,999,805" and "3,025,405"
Insert: " 658,411" and "597,247"

52. Page C-19.
Following: line 21
Insert: "If the revenues deposited to the general fund through the implementation of Senate Bill 200 are less than the appropriation for district court reimbursement, the department shall reduce the reimbursement to equal the revenues generated."

53. Page D-5, line 25.
Strike: "7,503,511" and "7,576,576"
Insert: "7,516,081" and "7,589,146"

54. Page D-6, line 24.
Strike: "2,848,740 510,722 2,873,834 510,722"
Insert: "2,833,740 525,722 2,858,834 525,722"

55. Page D-8.
Following: line 15
Insert: "If House Bill 460 is not passed and approved, general fund in item 2b is reduced to $7,503,511 in fiscal 1988 and $7,576,576 in fiscal 1989."

56. Page E-2, line 12.
Strike: "702,295" and "707,991"
Insert: "686,096" and "691,805"

57. Page E-3, line 17.
Strike: "870,397 873,767"
Insert: "849,051 852,423"

58. Page E-4.
Following: line 18
Insert: "Item 3 includes $150,271 in fiscal 1988 and $150,282 in fiscal 1989 of general fund and $179,925 in fiscal 1988 and $179,938 in fiscal 1989 of federal funds, contingent upon the board of regents contracting with the office of public instruction to administer and supervise K-12 vocational education programs, services, and activities in accordance with House Bill 39."

59. Page E-5, lines 6 and 7.
Strike: lines 6 and 7 in their entirety
Renumber: subsequent subsections

60. Page E-5, line 9.
Strike: "147,523" (fiscal 1989 only)
Insert: "33,821 (general fund, fiscal 1989 only)
113,701" (state special, fiscal 1989 only)

61. Page E-5, line 22.
Strike: line 22 in its entirety

62. Page E-5, line 23.
Strike: "7"
Insert: "6"

63. Page E-6.

Following: line 6
Insert: "All revenues received under the provisions of 20-9-343 for state equalization aid are appropriated to the superintendent of public instruction for the biennium ending June 30, 1989, for public school support other than special education.

If House Bill 904 does not pass, there is appropriated from the general fund $93,000,000 for the biennium ending June 30, 1989, to be used to the extent funds appropriated under the provisions of 20-9-343 are insufficient to finance the maximum general fund budget schedules for public schools, excluding special education."

64. Page E-6, line 11.
Strike: "3,350,000" and "3,350,000"
Insert: "1,025,000" and "1,025,000"

65. Page E-6.
Following: line 21
Insert: "Item 2 is contingent upon the board of regents contracting with the office of public instruction to administer and supervise K-12 vocational education programs, services, and activities in accordance with House Bill 39."

66. Page E-7, line 7.
Strike: "514,290 455,811 514,290 455,811"
Insert: "552,545 417,556 590,773 379,328"

67. Page E-7, line 14.
Strike: "125,975 260,157" and "54,092 332,075"
Insert: "133,026 253,106" and "64,279 321,888"

68. Page E-8, line 5.
Strike: "530,859 270,961 530,859 270,961"
Insert: "563,073 238,747 595,265 206,555"

69. Page E-8, line 12.
Strike: "212,830 137,425" and "166,404 183,881"
Insert: "218,767 131,488" and "174,982 175,303"

70. Page E-8, line 25.
Strike: "492,189 331,408 492,189 331,408"
Insert: "524,403 299,194 556,595 267,002"

71. Page E-9, line 10.
Strike: "220,421 156,686" and "171,217 205,924"
Insert: "226,358 150,749" and "179,795 197,346"

72. Page E-9, line 23.
Strike: "820,684 482,024 820,684 482,024"
Insert: "873,033 429,675 925,345 377,363"

73. Page E-10, line 8.
Strike: "316,347 99,550" and "162,758 253,177"
Insert: "325,996 89,901" and "176,698 239,237"

74. Page E-10, line 21.
Strike: "643,444 516,719 643,444 516,719"
Insert: "689,752 470,411 736,028 424,135"

75. Page E-11, line 6.
Strike: "146,816 274,262" and "282,779 138,338"
Insert: "155,351 265,727" and "295,110 126,007"

76. Page F-2.

Following: line 21
Insert: "3. Vocational Education Grants
2,325,000 2,325,000" (federal special revenue)
Renumber: subsequent subsections

77. Page F-3, line 5.
Strike: "901,687 883,947" and "901,687 684,981"
Insert: "1,161,470 624,164" and "1,436,131 150,537"

78. Page F-3, line 8.
Strike: "1,656,141 277,477" and "1,415,429 611,292"
Insert: "1,933,618 0" and "1,949,929 41,792"

79. Page F-3, line 16.
Strike: "300,450" and "300,450"
Insert: "276,450" and "276,450"

80. Page F-4.
Following: line 24
Insert: "General fund support of the family practice program does not extend beyond fiscal 1988."

81. Page F-5, line 7.
Strike: "709,912" and "713,832"
Insert: "695,424" and "699,264"

82. Page F-5, line 9.
Strike: "8,820"
Insert: "8,640"

83. Page F-5, line 12.
Strike: "1,646,996" and "1,656,090"
Insert: "1,613,384" and "1,622,292"

84. Page F-5, line 14.
Strike: "8,820"
Insert: "8,640"

85. Page F-5, line 17.
Strike: "731,209" and "735,247"
Insert: "716,286" and "720,242"

86. Page F-5, line 19.
Strike: "8,820"
Insert: "8,640"

86.a. Page F-5, line 23.
Strike: "49%"
Insert: "48%"

86.b. Page F-5, line 25.
Strike: "49%"
Insert: "48%"
Strike: "51%"
Insert: "52%"

87. Page F-6, lines 22 through 24.
Strike: lines 22 through 24 in their entirety
Insert: "General fund support for startup of the spring wheat breeding and biotechnology program at the agricultural experiment station is for the 1989 biennium only. Other funds will be required to continue the program beyond the 1989 biennium."

88. Page F-7, line 7.

Strike: "1,954,375" and "1,955,847"
Insert: "1,866,964" and "1,868,436"

89. Page F-7, lines 10 and 11.
Strike: lines 10 and 11 in their entirety

90. Page F-9, lines 4 and 5.
Strike: lines 4 and 5 in their entirety

91. Page F-9, line 20.
Strike: "120,000" and "120,000"
Insert: "100,000"

92. Page F-10.
Following: line 14
Insert: "General fund support of the museum of the rockies does not extend beyond the 1989 biennium. It is expected that private funds will replace general fund support beginning in the 1991 biennium. Item 4c is a biennial appropriation."

LFA will amend totals.

And that this Free Conference Committee Report be adopted.

For the Senate:	For the House:
Regan, Chairman	Thoft, Chairman
Jacobson	Rehberg
Hammond	Spaeth

MOTIONS

Senator Van Valkenburg moved that the Free Conference Committee Report No. 2 on HB 2 be placed on second reading this day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 2 - Senator Regan moved that the Free Conference Committee Report No. 2 on HB 2 be adopted. Motion carried as follows:

Ayes: Aklestad, Anderson, Bengtson, Bishop, Blaylock, Brown, Crippen, Farrell, Haffey, Hager, Harding, Himsl, Hirsch, Hofman, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Yellowtail, Mr. President.
Total 30

Noes: Abrams, Beck, Boylan, Eck, Gage, Galt, Halligan, Hammond, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Smith, Thayer, Tveit, Weeding, Williams.
Total 19

Excused: None.
Total 0

Absent or not voting: Severson.

Total 1

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Walker moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 2, Free Conference Committee Report No. 2, adopted as follows:

Ayes: Aklestad, Anderson, Bengtson, Blaylock, Brown, Crippen, Farrell, Haffey, Hager, Harding, Himsl, Hirsch, Jacobson, Lybeck, Lynch, Manning, Mazurek, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Story, Van Valkenburg, Vaughn, Walker, Mr. President.
Total 28

Noes: Abrams, Beck, Bishop, Boylan, Eck, Gage, Galt, Halligan, Hammond, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Smith, Thayer, Tveit, Weeding, Williams, Yellowtail.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE OTHER HOUSE

The House, on 4/23/87, acceded to the request of the Senate and returned HB 866 for further consideration.

MOTIONS

Senator Van Valkenburg moved that HB 866 be placed on second reading this day. Motion carried.

Senator Van Valkenburg moved that the Senate accede to the request of the House and return SB 228 for further consideration. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 866 - Senator Van Valkenburg moved that HB 866, reference copy, be amended as follows:

1. Title, line 7.
Strike: "TO MODIFY MARRIAGE CRITERIA;"

2. Title, line 8.
Strike: "SECTIONS"

Insert: "SECTION"
Strike: "AND 40-1-401"

3. Page 5, line 20 through page 6, line 14.
Strike: section 2 in its entirety
Renumber: subsequent sections

4. Page 6, line 23.
Strike: "SECTIONS 2, 3,"
Insert: "Section 2"

Amendment passed as follows:

Ayes: Abrams, Aklestad, Anderson, Beck, Bengtson, Bishop, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Hammond, Harding, Himsl, Hirsch, Hofman, Jacobson, Jergeson, Keating, Kolstad, Lybeck, Lynch, Manning, Mazurek, McCallum, McLane, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Smith, Stimatz, Story, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Jacobson moved that HB 866, as amended, be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Galt, Haffey, Hager, Halligan, Harding, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail.
Total 38

Noes: Aklestad, Beck, Bishop, Hammond, Hofman, Keating, Kolstad, McLane, Smith, Story, Tveit, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Van Valkenburg moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Walker moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 866 concurred in as follows:

Ayes: Abrams, Anderson, Bengtson, Blaylock, Boylan, Brown, Crippen, Eck, Farrell, Gage, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson,

Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, Meyer, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 37

Noes: Aklestad, Beck, Bishop, Galt, Hammond, Hofman, Keating, Kolstad, McLane, Smith, Story, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: Harding.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate recess until 1:45 a.m. Motion carried.

Senate recessed at 1:07 a.m.

Senate reconvened at 1:53 a.m.

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman) 4/23/87

Signed by the President at 12:20 a.m., 4/24/87:

HB 102	HB 206	HB 233	HB 241
HB 252	HB 377	HB 459	HB 460
HB 583	HB 623	HB 658	HB 721
HB 796	HB 861	HB 867	HJR 47
HJR 50	HJR 54		

Signed by the President at 2:20 a.m., 4/24/87:
SR 6

Report adopted.

LEGISLATIVE ADMINISTRATION (Blaylock, Chairman) 4/23/87

Recommend that at the end of business April 23, 1987, employment of the following be terminated:

Boone Cole.....Page
Brandon Byars.....Page
Marc Murfitt.....Page
AnnaMarie Ronneberg.....Page
Angela Foster.....Page
Aaron Olson.....Page
TJ Gravely.....Page
Keri Stevenson.....Page

Report adopted.

MESSAGES FROM THE OTHER HOUSE

Senate bill concurred in and returned to the Senate:

SJR 13, introduced by Keating.

House bill passed and transmitted to the Senate for concurrence:

HB 912, introduced by Bardanouve.

Senate bill concurred in, as amended, and returned to the Senate for concurrence in House amendments:

SB 228, introduced by Van Valkenburg.

Senate amendments to House bills concurred in:

HB 884, introduced by C. Smith.

HB 889, introduced by Winslow.

Free Conference Committee Reports adopted:

HB 123, Free Conference Committee Report No. 1.

HB 754, Free Conference Committee Report No. 1.

HB 256, Free Conference Committee Report No. 1.

Governor's amendments to Senate bills approved and returned to the Senate:

SB 183, introduced by Regan.

SB 383, introduced by Gage.

The House, on 4/23/87, failed to concur in the Free Conference Committee Report No. 1 on HB 2.

HB 721, introduced by Thomas, and requiring adoption by a two-thirds vote of the members of the legislature was adopted with the following vote:

YEAS - 72
NAYS - 28

MOTIONS

Senator Van Valkenburg moved that House amendments to SB 228 be placed on second reading this day. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Van Valkenburg moved that the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Walker in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 228 - Senator Van Valkenburg moved that House amendments to SB 228 be concurred in. Motion carried as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Farrell, Gage, Haffey, Hager, Halligan, Hammond, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Bishop, Boylan, Galt, Harding, Hofman, Keating, Kolstad, McLane, Meyer, Story.
Total 11

Excused: None.
Total 0

Absent or not voting: Eck, Neuman, Smith.
Total 3

Senator Van Valkenburg moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Walker moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 228, House amendments, concurred in as follows:

Ayes: Abrams, Anderson, Beck, Bengtson, Blaylock, Brown, Crippen, Farrell, Gage, Haffey, Hager, Halligan, Himsl, Hirsch, Jacobson, Jergeson, Lybeck, Lynch, Manning, Mazurek, McCallum, Neuman, Pinsoneault, Rasmussen, Regan, Severson, Stimatz, Thayer, Tveit, Van Valkenburg, Vaughn, Walker, Weeding, Williams, Yellowtail, Mr. President.
Total 36

Noes: Aklestad, Bishop, Boylan, Galt, Hammond, Harding, Hofman, Keating, Kolstad, McLane, Meyer, Story.
Total 12

Excused: None.
Total 0

Absent or not voting: Eck, Smith.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the President be directed to notify the House of Representatives that the Senate intends to adjourn sine die at 2:35 a.m. Motion carried.

Senator Van Valkenburg moved that the Senate recess until 2:35 a.m. Motion carried.

Senate recessed at 2:13 a.m.

Senate reconvened at 2:56 a.m.

Senator Van Valkenburg moved that Joint Rule 6-21 be interpreted by this body to allow 5 working days for the enrolling of all bills and resolutions passed by this 90th day. Motion carried.

Senator Van Valkenburg moved that the Senate publish the Journal of the proceedings of the Fiftieth Legislature up through this legislative day and that the President be authorized to approve payment for publishing costs. Motion carried.

Senator Van Valkenburg moved that the President appoint a committee of three to notify the House of Representatives that the Senate of the Fiftieth Legislature has completed its business and is ready to adjourn sine die. Motion carried.

The President appointed Senators Van Valkenburg, Aklestad, and Blaylock.

Senator Van Valkenburg moved that the Senate stand at ease until the committee of three return.

The committee of three to notify the House advised that they had notified the House of Representatives.

Benediction by Pastor Monson.

Senator Van Valkenburg moved the Senate adjourn sine die. Motion carried.

Senate adjourned at 3:19 a.m.

BILL NORMAN
President of the Senate

BONNIE WALLEM
Secretary of the Senate

ADDENDUM
TO THE
SENATE JOURNAL

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL (Galt, Chairman)

Correctly enrolled: 4/24/87

SR 6

Delivered to the Governor at 9:30 a.m., 4/24/87:

SR 6

Delivered to the Governor at 9:35 a.m., 4/24/87:

SB 331 SB 360

Signed by the President at 11:30 a.m., 5/1/87:

HB 123	HB 256	HB 392	HB 570
HB 727	HB 754	HB 776	HB 884
HB 889	HB 904	HJR 51	HJR 56
HJR 57	HJR 58	HJR 59	HJR 60

Signed by the President at 2:45 p.m., 5/1/87:

SB 48	SB 64	SB 71	SB 74
SB 103	SB 183	SB 228	SB 340
SB 371	SB 383	SJR 13	SR 8

Delivered to the Governor at 3:30 p.m., 5/1/87:

SB 48	SB 64	SB 71	SB 74
SB 103	SB 183	SB 228	SB 340
SB 371	SB 383		

Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable William J. Norman April 24, 1987
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Norman:

This is to inform you that I have signed Senate Bill No. 210 on this date.

Sincerely,

Ted Schwinden

Governor

The Honorable William J. Norman April 24, 1987
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 274, "AN ACT ALLOWING LOCAL GOVERNMENT ENTITIES TO RESTRICT PUBLICATION OF AUDIT REPORTS TO A SUMMARY OF SIGNIFICANT FINDINGS AND A STATEMENT THAT THE REPORT IS ON FILE AND OPEN TO PUBLIC INSPECTION; AND AMENDING SECTION 2-7-521, MCA."

Regular, full disclosure of local government audit reports is the best guarantee our citizens have of their constitutional right to know. Article II, Section 9, of the Montana Constitution states:

> No person shall be deprived of the right to examine documents or to observe the deliberations of all public bodies or agencies of state government and its subdivisions, except in case in which the demand of individual privacy clearly exceeds the merits of public disclosure.

While SB 274 allows public inspection of full audit reports, it unnecessarily hinders access of citizens to information relative to the actions of their local government officials, thereby reducing a constitutional right to a bureaucratic hassle.

Proponents of SB 274 correctly argue that requiring local governments to publish only summaries of audit reports, instead of full reports, would reduce local government spending. In my opinion, the incidental costs of full disclosure are a small price to pay for continued protection of the public's right to know.

For these reasons, I hereby veto SB 274.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman April 27, 1987
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Norman:

This is to inform you that I have signed Senate Bill No. 200 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman April 28, 1987
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Norman:

This is to inform you that I have signed Senate Bills No. 219, 256 and 363 on April 27, 1987.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman May 11, 1987
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Norman:

This is to inform you that I have signed Senate Bills No. 48, 183, 331, 360, and 371 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman May 13, 1987
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Norman:

This is to inform you that I have signed Senate Bills No. 71 and 383 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman May 15, 1987
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Norman:

This is to inform you that I have signed Senate Bill No. 74 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman May 19, 1987
President of the Senate
State Capitol
Helena, Montana 59620

Dear President Norman:

This is to inform you that I have signed Senate Bills No. 64 and 340 on this date.

Sincerely,

George Turman
Acting Governor

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, Montana 59620

May 22, 1987

Dear President Norman:

This is to inform you that I have signed Senate Bill No. 228 on this date.

Sincerely,

Ted Schwinden
Governor

The Honorable William J. Norman
President of the Senate
State Capitol
Helena, Montana 59620

May 22, 1987

The Honorable Robert L. Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Norman and Representative Marks:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill No. 103, "AN ACT ~~CLARIFYING~~ REVISING THE METHOD OF PAYMENT OF THE STANDARD PREVAILING RATE OF WAGES ~~UNDER THE PROVISIONS OF THE "LITTLE DAVIS-BACON ACT"~~ WHEN AN EMPLOYER IS NOT A PARTY TO A COLLECTIVE BARGAINING AGREEMENT; ELIMINATING THE REQUIREMENT TO PAY FRINGE BENEFITS AS WAGES; REPEALING SECTION 18-2-405, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

Construction workers frequently work for many employers during their careers, moving from one project to another and from one employer to another as each project is completed. While union members belong to the same union health and pension plan throughout their careers, nonunion workers may not work for one employer long enough to become eligible for health benefits or become vested in a pension plan. For more than fifty years, Montana law has recognized the special, transitory nature of construction work by requiring that fringe benefits on state and local projects be paid in cash to nonunion workers, along with regular wages. Montana's law, which is similar to the laws that govern payment of fringe benefits in most states, ensures that all workers receive full value for the fringe benefits to which they are entitled. In the few states which allow payment of the fringe benefits into private pension plans, there has been substantial litigation over the validity of those plans, since workers may never receive benefits under the plans.

SB 103 would end Montana's current policy and remove an important protection for Montana workers. Employers of nonunion workers would be allowed to pay fringe benefits into private health and pension plans of their own selection, but nonunion workers would have no voice in the structure or administration of these plans. Under SB 103, a nonunion worker might never receive health benefits or pension payments, while a union worker holding a similar job would receive fringe benefit values. As a matter of public policy, the state should ensure that workers on public projects are treated equitably.

Current law has worked well for half a century to protect Montana workers and give both union and nonunion employers a "level playing field" on which to compete for state and local projects. For these reasons, I veto the bill.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE OTHER HOUSE

Senate amendments to House bill concurred in:

HB 904, introduced by Harp.

Free Conference Committee Report adopted:

HB 2, Free Conference Committee Report No. 2.

MESSAGES FROM THE SECRETARY OF STATE

The Honorable Bill Norman
President of the Senate
State Capitol
Helena, Montana 59620

May 29, 1987

The Honorable Bob Marks
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Norman and Representative Marks:

Please find attached a photocopy of the results of the poll, completed at 5 p.m., May 28, 1987, on the proposed override of Governor Schwinden's veto of Senate Bill 274.

The final totals are:

Senators In Favor	26	Opposed	22	Not Voting	2
Representatives In Favor	46	Opposed	47	Not Voting	7

If you should need anything further on this matter please do not hesitate to contact me.

Sincerely,

Jim Waltermire

Ayes: Aklestad, Beck, Bishop, Boylan, Crippen, Eck, Farrell, Gage, Haffey, Hager, Hammond, Harding, Hirsch, Hofman, Jacobson, Keating, Lynch, McLane, Severson, Smith, Stimatz, Story, Thayer, Tveit, Vaughn, Mr. President.

Total 26

Noes: Abrams, Anderson, Bengtson, Blaylock, Brown, Galt, Halligan, Himsl, Jergeson, Kolstad, Lybeck, Manning, Mazurek, McCallum, Meyer, Pinsoneault, Rasmussen, Regan, Van Valkenburg, Walker, Weeding, Williams.
Total 22

Excused: None.
Total 0

Absent or not voting: Neuman, Yellowtail.
Total 2

The Honorable Bill Norman June 25, 1987
President of the Senate
440 Connell
Missoula, Montana 59801

The Honorable Bob Marks
Speaker of the House
302 Lump Gulch
Clancy, Montana 59634

Dear Senator Norman and Representative Marks:

Please find attached a photocopy of the results of the poll, completed at 5 p.m., June 24, 1987, on the proposed override of Governor Schwinden's veto of Senate Bill 103.

The final totals are:

Senators In Favor	27	Opposed	20	Not Voting	3
Representatives In Favor	47	Opposed	43	Abstained	2
				Not Voting	8

If you should need anything further on this matter please do not hesitate to contact me.

Sincerely,

Jim Waltermire

Ayes: Aklestad, Anderson, Beck, Boylan, Crippen, Farrell, Gage, Galt, Hager, Halligan, Hammond, Harding, Hirsch, Hofman, Jergeson, Keating, Kolstad, McCallum, McLane, Meyer, Rasmussen, Severson, Smith, Story, Thayer, Tveit, Williams.
Total 27

Noes: Bengtson, Blaylock, Brown, Eck, Haffey, Himsl, Jacobson, Lybeck, Lynch, Manning, Mazurek, Pinsoneault, Regan, Stimatz, Van Valkenburg, Vaughn, Walker, Weeding, Yellowtail, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: Abrams, Bishop, Neuman.
Total 3

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